

**2. LOCAL OFFICIAL PLAN AMENDMENT 49 - CITY OF KANATA
(IRENE FOLEY - GOLF DRIVING RANGE)**

COMMITTEE RECOMMENDATION AS AMENDED

That Council reject Local Official Plan Amendment 49 to the City of Kanata Official Plan.

DOCUMENTATION

1. Planning and Development Approvals Commissioner's report dated 28 Sept 99 is immediately attached.
2. An Extract of Draft Minute, 28 Sept 99, follows the report and includes a record of the vote.
3. Annex 4 (Correspondence) issued previously.

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	LOCAL OFFICIAL PLAN AMENDMENT 49 CITY OF KANATA (IRENE FOLEY - GOLF DRIVING RANGE)

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.

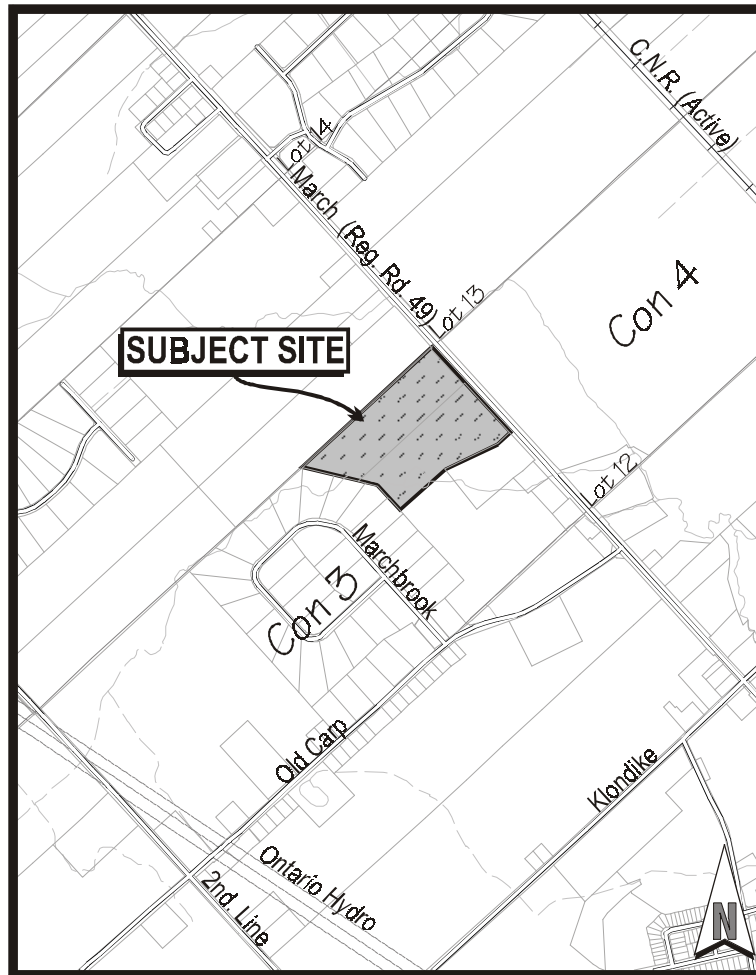
Given the written objections submitted, this report is deemed disputed and therefore is brought forward for the consideration of Planning and Environment Committee.

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*

ANNEX 1

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

I hereby certify that Amendment No.49 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

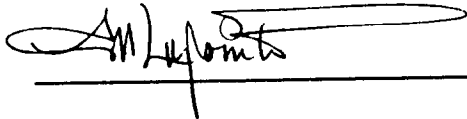
(this cannot be signed until the appeal period is over)

OFFICIAL PLAN
OF THE
CITY OF KANATA PLANNING AREA

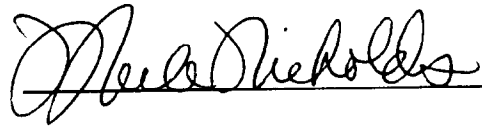
Amendment No. 49

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.

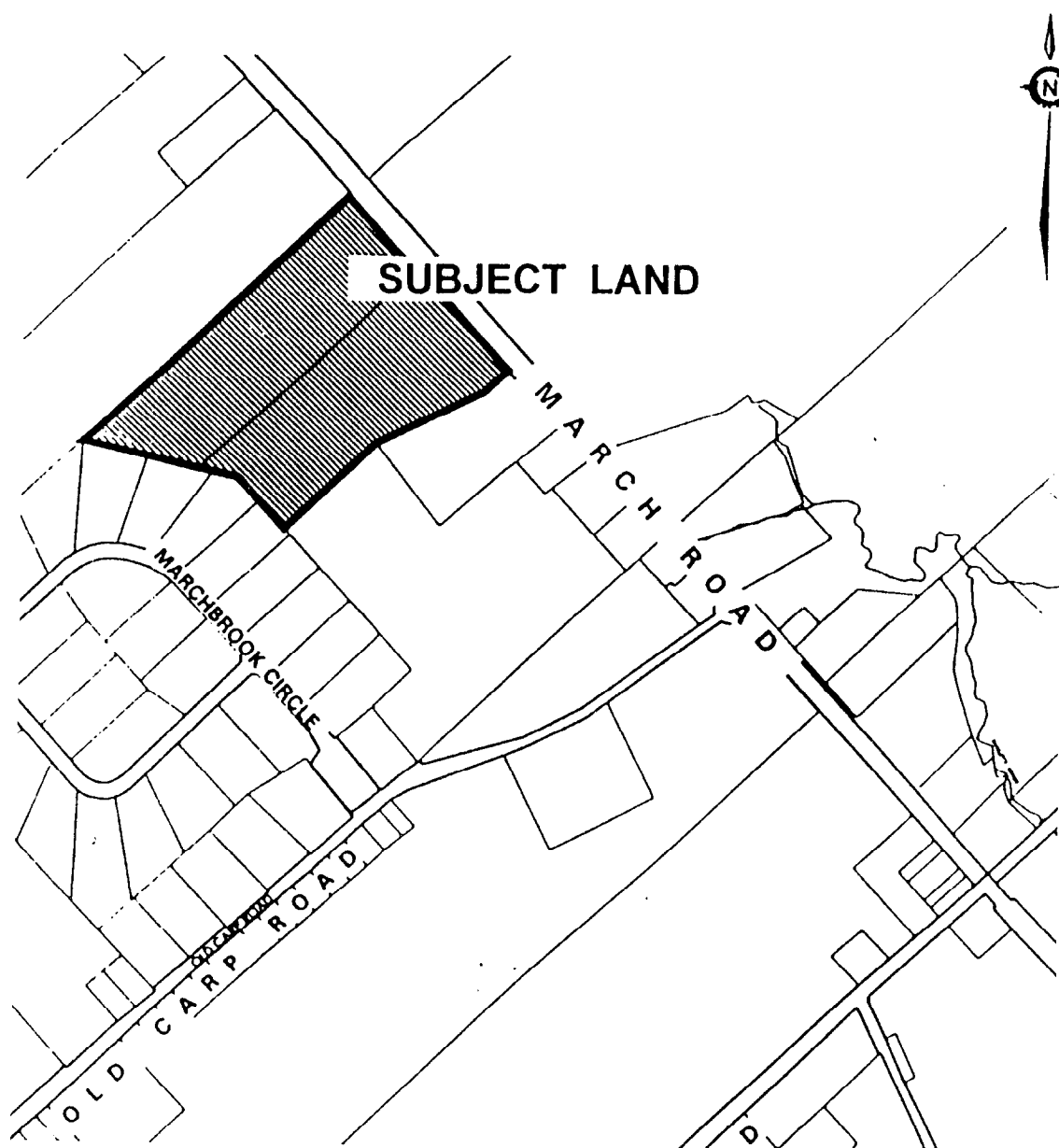
PART A - THE PREAMBLE

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 26th 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 20th 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.

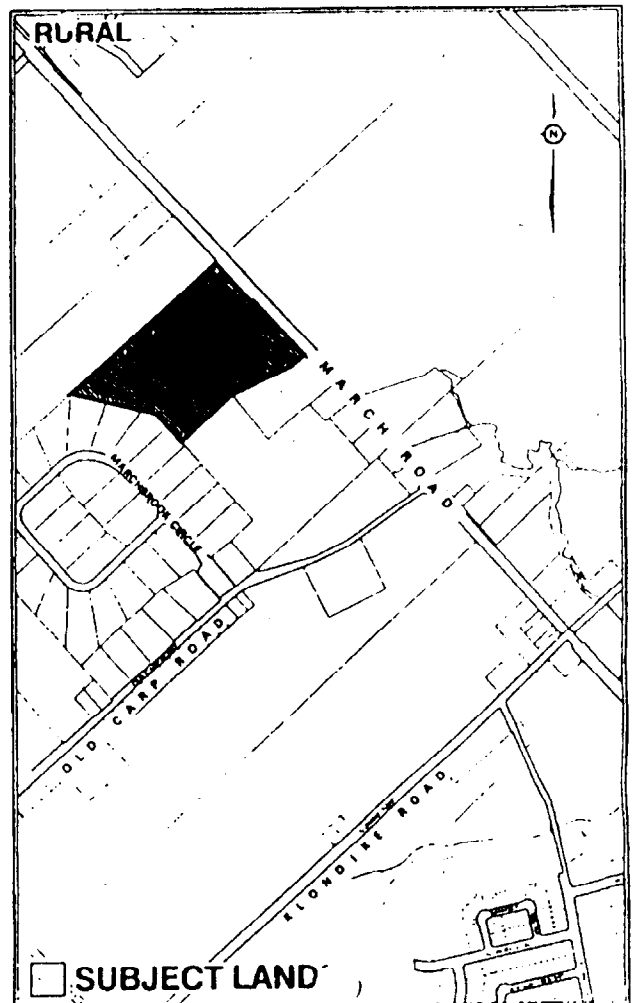
When and Where is the Meeting? The public meeting will be held in the Council Chambers located on the 3rd floor of Kanata City Hall, 580 Terry Fox Drive, Kanata, Ontario K2L 4C2. The meeting will be held on the 20th day of April, 1999 starting at 7:00 p.m.

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: bfinlay@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 20th, 1999 at 7:00 p.m. in the Council Chambers, 3rd 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: bfinlay@city.kanata.on.ca

DATED at the City of Kanata this 26th 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)

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 Kourier 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

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 16th 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

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

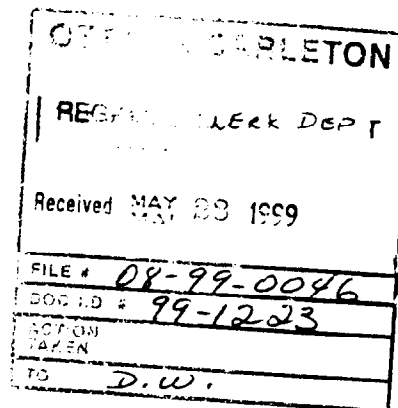
ADAM & MILLER
BARRISTERS & SOLICITORS

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



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**

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

Extract of Draft Minute
Planning and Environment Committee
28 September 1999

LOCAL OFFICIAL PLAN AMENDMENT 49
CITY OF KANATA (IRENE FOLEY - GOLF DRIVING RANGE)

- Planning and Development Approvals Commissioner's report dated 28 Sept 99
- Annex 4 (Correspondence) issued separately

Mike Boucher, Planner, Planning and Development Approvals Department provided Committee with an overview of the staff report.

Mr. Boucher confirmed at Councillor Munter's request that the current zoning does not permit the proposed use.

Councillor Munter then went on to speak of the role of the Committee and Council in approving this Amendment. He noted it is the responsibility of Planning and Environment Committee and Council to ensure the amendment is in conformity with the Regional Official Plan and as well, under the authority delegated by the Minister of Municipal Affairs it is their responsibility to approve Local Official Plans. He asked what tests (under the Planning Act), the Committee and Council were to use, when approving Local Official Plan Amendments.

Mr. Boucher referred to pages 8 and 9 of the staff report and pointed out the seven criteria to measure conformity were listed there. He agreed with the Councillor that in the role of the Minister of Municipal Affairs, regard must be had for good planning principles.

Councillor Munter sought clarification on the parking issue. Mr. Boucher advised the site plan showed 43 spaces clearly defined and an additional 43 spaces were shown in "dashed lines". The purpose of this was to demonstrate the physical ability to accommodate enough parking on site that cars would not be parked on March Road or Old Carp Road.

Councillor Munter asked if the Transportation Department had done its own traffic analysis or if they simply reviewed the Novatech study. Mr. Boucher advised the Novatech document was submitted to the City of Kanata and the Region. Staff reviewed it and were satisfied with the recommendations. Subsequently, Mr. Kennedy pointed out there was a discrepancy - there were 86 spaces shown but the traffic study was only based on 43. Mr. Boucher then had transportation staff review it again on the basis of 86 parking spaces and they were still satisfied with the recommendations of the traffic study.

Councillor Munter expressed his surprise at this as he had known staff to be very "dogged" when dealing with March Road, because it is such a busy road.

Extract of Draft Minute
Planning and Environment Committee
28 September 1999

Ed Blaszyński, Officer, Planning Approvals, Planning and Development Approvals Department advised access could not be denied, if the site is approved. All the Region can do is accommodate it by putting in the left turn lane and making it safer. Legally, the Region has to allow access to the site.

Mr. Boucher added the Transportation Impact Study was based on an analysis of similar type uses in area; from that a peak level demand or a peak trip generation was established and that resulted in the 43 parking spaces. In order to accommodate that type of traffic at this particular location, the traffic consultant sought the latest transportation counts from the Region looking at both northbound and southbound movements. When these counts and the peak trip generation were put into the analysis, it provided an indication of what would be required in the way of geometric improvements, so there would be no issue with safety in terms of access or egress to the site.

He explained what Mr. Blaszyński was referring to was the fact that the zoning would establish the use of the lands. Staff reviewed what was submitted in support of the proposal and this amendment is only to deal with the access issue.

Councillor Munter stated his point was that transportation staff asked “how should this happen” rather than “should this happen”.

Responding to questions from Chair Hunter, Mr. Boucher explained if there were access from the subject land to Carp Road, there would not be a requirement for an Official Plan Amendment. The wording of Kanata’s Official Plan says that for certain industrial and commercial uses, an amendment is required to the Plan.

Committee Chair Hunter asked that the Planner from the City of Kanata respond to questions from the Committee. The Chair asked specifically what the Kanata Official Plan says that requires an OP amendment for this parcel dealing with access, when the law says you have to provide access.

Bruce Finlay, Project Planner, City of Kanata advised that the provision for restricted access to March Road, in Kanata’s Official Plan was inserted at the request of the Region. In this case, even though the property has frontage only onto to March Road, access to that road is for rural purposes. The provision in the Official Plan speaks to the creation of new lands for commercial or industrial purposes and it is looking at a situation where there is an intensification of the use of the land. By natural right, the owner of that land has access to March Road, however, the issue comes up when they wish to intensify that use to a commercial or industrial use which requires a zoning amendment.

Extract of Draft Minute
Planning and Environment Committee
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In response to further questions from Chair Hunter, Mr. Finlay advised that the interpretation of City staff was that the intention of this policy in the Plan was to encourage commercial and industrial development at intersections of existing or proposed local roads. In this case, there is no existing local road intersecting with March Road and there is no proposal at the present time to create one. The policy is less than clear as to whether access for a new commercial use is permitted; it was Kanata staff's interpretation that it was not.

Councillor Munter asked Mr. Finlay for his view on the parking issue (i.e. 86 spaces vs. 43 spaces). Mr. Finlay referred to Annex 2 to the staff report (page 15) of the agenda and noted it makes reference to the traffic report which identifies a need for a minimum parking provision on site for 43 vehicles. As well, it indicates that a draft concept plan provided by the applicant identifies that a parking provision for 86 vehicles is possible on site. He said it was the purpose of the Kanata staff report at the time to identify to Council that there was more than adequate parking to be provided on the site and it was identified in the concept plan.

From this, Councillor Munter concluded that what the Planning and Environment Committee would be approving would include this reference to the parking provision for 86 vehicles. Mr. Finlay disagreed saying the Official Plan Amendment found on page 17 of the agenda, simply makes reference to an exemption to the existing policy of the Official Plan to permit a golf driving range, mini-putt golf facility and golf pro-shop located on the subject property.

Mr. Finlay went on to say it was a very large area of land and obviously a lot of parking could be provided on the site. He pointed out the development of the land would be subject to site plan approval (at the City) where such things as conformity to Kanata's zoning by-law, parking and traffic concerns would be looked at and addressed.

The Committee then heard from the following speakers.

John Horowitz, advised he was representing a group of residents of Marchbrook Circle, which is located directly behind the proposed development. He explained these residents had concerns about the actual development and safety issues related to March Road.

Mr. Horowitz, said the residents of Marchbrook Circle feel they are being unjustly hard done by in that these lands were owned by Mrs. Foley; who sold them to Timberlay Developments and then acted as a real estate agent for Timberlay. At that time, she had access to Old Carp Road but chose in the plan of Subdivision not to maintain access into her existing lands. He said the lot at the corner of old Carp Road and Marchbrook Circle

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also belonged to Mrs. Foley, where she could have had access to old Carp Road but that was sold off as well.

The speaker went on to outline the concerns of the residents of Marchbrook Circle. The residents are concerned with the fencing that would have to go up, noting in Kanata Lakes they have 40 or 50 foot high fences to stop golf balls. The house to the north of the development will be subject to golf balls and noted when one purchases a house on a golf course, you have to sign a covenant with regards to the golf balls. Residents of Marchbrook Circle did not do that and in fact they signed a covenant to respect the agricultural uses of the surrounding lands, specifically Mrs. Foley's land. The residents are also concerned about the wildlife in the area, such as a great blue heron, deer and other wildlife in the Shirley's Brook area that will be impacted by this development. He urged the Committee to reject the amendment.

Committee Chair Hunter asked the delegate if he had filed an appeal of the zoning by-law that Kanata Council approved. Mr. Horowitz advised he had, on behalf of a number of Marchbrook Circle residents.

Committee Chair Hunter asked if most of the residents' concerns were with the proposed use. Mr. Horowitz advised that access to the road is also of concern and pointed out that because of the high volume of traffic on March Road it can take three or four minutes to turn onto March Road from Old Carp Road and he pointed out there is a school north of the subject site. He felt the left hand turn would also be a problem, given the high speeds at which people travel along March Road. He also expressed concern about what would appear to be a piecemeal approach to planning and stated a number of people that have moved into Marchbrook Circle, would not have if they had known this was going in behind them.

Committee Chair Hunter, noting the issue of zoning will be dealt with at the Ontario Municipal Board (OMB), asked if the Official Plan Amendment would not likely end up at the OMB as well, regardless of the Committee's decision. Mr. Boucher confirmed this and noted the zoning by-law had been appealed to the OMB, they are seized with it and are waiting to schedule a hearing until the Region makes a decision on the OPA.

Chair Hunter asked if the Region had to make a decision on this or if the matter could just be forwarded to the OMB. Tim Marc, Manager, Planning and Environment Law advised the Committee and Council had to make a decision on this. He added, however, unless Committee or Council provided instructions to the contrary, Legal Department staff would not be a party to the hearing. He said this to assure the members of the audience they did not have to be concerned about the Region showing up in opposition to their views.

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Des Adam, Solicitor, representing the residents of Marchbrook Circle, advised it is both the land use issue and the access to March Road that is of concern to the residents. Marchbrook Circle was owned by the Foley family; they put the subdivision on the land and it was then sold to Timberlay and Mrs. Foley acted as the salesperson for them. He then referred to the covenants put on the deeds, the majority of which dealt with the agricultural lands, which left the purchasers of Marchbrook Circle with the impression the subject lands would remain agricultural.

Mr. Adam went on to speak of the problems of light pollution that will accompany a golf driving range as well as the problem of how to control the golf balls on the site. He said the homes immediately adjacent to the subject property, cannot be protected without a 50 foot net. Also of concern to the residents is the effect the golf balls landing in the wetland will have and Mr. Adam noted the Marchbrook Circle deeds also contain covenants concerning the protection of the wetlands.

Mr. Adam felt it was not acceptable to say there is a land use there, therefore the Region has to give them access. He felt the amendment was not in conformity with the City of Kanata's own Official Plan, and the Planning and Environment Committee, as the representative of the Minister, should reject it.

Don Kennedy, speaking on behalf of the residents of Marchbrook Circle, began by saying the issue of access is directly related to the use and felt if a compatible use were being proposed, the amendment would likely have been supported. He suggested if the Region were to approve the amendment to allow access, they were in effect approving the use.

On the issue of parking, Mr. Kennedy stated the site plan provided to him by the applicant showed 86 spaces, and there was "no dotting or dashing" on that particular plan. In addition, at full development, the facility would be similar to the *19th Tee* (another driving range), which has about 100 parking spaces. He said given the intensity of the use of March Road, this is a very important consideration and he felt the traffic impact study should have looked at the ultimate condition.

Mr. Kennedy stated although the General Rural Area designation in the Regional Official Plan (ROP) does allow for recreational and commercial uses, he felt there were other policies in the Plan that should be taken into consideration. For example, a goal in Section 1.4.2 states in part "...to maintain the desirable characteristics and integrity of existing communities..."; Section 3.7.1 of the ROP speaks of respecting existing communities; and Section 3.7.4, says uses for the traveling public will be permitted (this is a destination commercial use). Mr. Kennedy opined if the committee were to approve this Amendment, these Official Plan goals will not have been met.

The speaker noted the objectives in the Kanata Official Plan were very similar to those in the Region's OP (e.g. respect for existing uses, commercial uses allowed only if they do not detract or impose a negative impact on existing uses, etc.). Mr. Kennedy offered that the Region, in its role as the Minister, must take into consideration that the proposed use does not conform to Kanata's Official Plan.

Mr. Kennedy expressed concern about the natural environment area, noting there is a huge watershed study underway, the Shirley's Brook Water Study. He pointed out the proposed development would be partly grassed and suggested there could be a draw down on the wells in the area to make the grass grow and make it look attractive.

In summary, Mr. Kennedy stated he did not know of any type of facility of this nature with access onto a Regional Road that abuts a country lot subdivision. He said the dangers associated with the golf balls, the floodlighting to be used and the violations of the Regional and Local Official Plans, should all be taken into consideration. He asked that this amendment not be approved.

Irene Foley, the owner of the subject land addressed the committee and made the following points.

- She has owned this property for 26 years. With urban encroachment fast approaching, she would like to make some use of the property which consists of fifty acres, over half of which will be the golf centre.
- The owners of the two homes on either side of the subject property on March Road, the most affected and closest, have given letters of support (on file with the City).
- The Region's Official Plan permits open space and recreational uses; the proposed use respects existing communities and would have the least impact of any new use.
- The City of Kanata staff report states "the proposed driving range will meet the Official Plan criteria for commercial uses" and "the proposed development is considered satisfactory in terms of the criteria identified in the Official Plan and the City will use a site plan review process to ensure the recommended measures to reduce light impact and access safety are implemented".
- The City of Kanata's Official Plan lists private recreational facilities requiring only minimal services as a permitted use; this use would qualify.
- The City of Kanata and the Region have accepted the traffic impact study. Concerns of safety are met by requiring a turning lane off March Road, which we agree to.
- The Regional Planning and Transportation Departments support the amendment.
- Impacts on adjacent uses will be minimized because all activity will be located at March Road, away from existing residential areas.

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- The distance between Mr. Horowitz's property and March Road is 1,587.92 feet, it is totally treed along the back and cannot be seen from March Road. She felt it would be very difficult to hit a golf ball anywhere near his property.
- The layout will minimize any possible impacts by direction of lighting.
- The existing trees and creek along the rear of the property will be preserved and enhanced.
- There is a building boom on March Road, both residential and commercial, with the City of Kanata moving closer.
- It would be naïve to think that large vacant fields so close to the urban boundary will remain unchanged forever in the wake of rapidly, almost daily growth on March Road.
- Greenspace and passive recreational uses will maintain and even enhance the area.

In concluding her remarks, Ms. Foley asked that the Committee support the approval of Amendment 49.

Responding to questions from Councillor van den Ham, Ms. Foley advised the property in Marchbrook Circle was sold to the developer approximately 10 years ago and she had nothing to do with the covenants placed on the deeds to these properties. Further, Ms. Foley advised it was the City of Kanata that initiated and changed the zoning on the subject land from Agricultural to General Rural.

In response to questions from Councillor Legendre, Ms. Foley advised the piece of property between her land (from the line of trees) and Old Carp Road belonged to someone else and therefore she did not have access to Old Carp Road.

Murray Chown, Novatech, representing the proponent, Ms. Foley, noted the question of the use of the land was correctly dealt with through the application for rezoning, which was approved by the City of Kanata and has been appealed by Mr. Adam on behalf of Mr. Horowitz and the other property owners and is now in the hands of the Ontario Municipal Board. He said all that was in front of the Committee was the request to allow access to this property should a driving range be developed on the property; the Committee was not being asked to approve the driving range, etc.

Mr. Chown went on to say, because the property only fronts on March Road, if the Region were to reject the Amendment and the owner was successful with the rezoning, they still could not develop because the policies of the City's Official Plan prevent them from getting access to March Road even though it is their only access. He noted Regional staff have indicated that access in this location will work and pointed out the reason for a turning lane in this situation is not because the use will generate high volumes but rather for safety reasons (i.e. to avoid rear-enders).

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In response to earlier comments made, Mr. Chown offered the number of parking spaces shown on the site plan was irrelevant; pointing out the subject property was a huge piece of land and could accommodate 1,000 cars. He said what was relevant was how many parking spaces were required to serve the proposed use, as established by the City of Kanata zoning by-law. He advised the number of parking spaces would be in the order of 40 to 50, as was confirmed by the transportation study. With respect to the issue of stray golf balls, Mr. Chown pointed out the homes are quite a distance from the driving tees and he felt the whole issue to be a little absurd.

Mr. Chown urged the Committee to support the staff position and not to get caught up in the debate of whether or not a driving range is an appropriate use on these lands.

Councillor Munter questioned, if the business were successful and there were a demand for it, is it the intent of the owner to build an 86 space parking lot. Mr. Chown replied, if the number of tees and the mini putt shown on the site plan are used to their maximum capacity, it would be identical to several other driving range and mini putt operations surveyed, and all of those operations function with 40 or 50 parking spaces. He explained the concept plan (which is not a formal site plan application), in showing 86 parking spaces, simply illustrates there is plenty of room on the site to provide parking.

Councillor Legendre, noting Ms. Foley mentioned in her presentation that the impact of the lighting would be minimized, asked Mr. Chown for his comments. Mr. Chown explained his firm prepared a lighting report which was submitted to the City of Kanata. The lighting report was then circulated to J.L. Richards by the City of Kanata for their review. J.L. Richards provided a very detailed response to the City of Kanata on Novatech's conclusions or recommendations on the lighting of this facility. The comments from J.L. Richards in terms of their area of concern, focused entirely on the mini putt (which is located at March Road and is nowhere near the residential area). Mr. Chown said it would be a simple matter to address the concerns raised by J.L. Richards with respect to the mini putt, by using shorter light standards. He said the proponent has every intention of addressing this through the site plan process.

In terms of the driving range itself, Mr. Chown said the comments from J.L. Richards were that the conclusions of Novatech's lighting study were accurate in that there would be minimal, if any, spill onto the neighbouring properties. He pointed out the modeling exercise did not recognize (because models don't), the existence of trees along that property line. So, although there might be a little bit of light spilling into those backyards, once the trees are factored in, that spill is non-existent. He said he was confident the lighting impact of this use on the adjacent residential properties would be slim to none.

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Richard Renaud, a resident of Marchbrook Circle stated in Mrs. Foley's presentation to Kanata, she indicated when the driving range is in use, the lights would likely be on for only one hour after dark or possibly not at all. He said he found this hard to believe as other driving ranges (i.e. the *19th Tee*), they often work late into the night. Mr. Renaud said he had a problem with the light being projected out towards where the ball is being hit (i.e. towards his house) and he felt the lights should be turned in towards where the people are hitting and have them blinded by the light.

Responding to questions from Committee Chair Hunter on the issue of lighting, Mr. Renaud advised the trees along the back of the subject property are not mature trees but rather, are predominantly small scrub trees that have grown along Shirley's Brook and would not provide screening from the lights on the driving range.

Elizabeth O'Neill, Marchwood Community Association, advised her family chose to move to a rural area and thought they had found the perfect area in Marchbrook Circle. Ms. O'Neill advised the area behind Marchbrook Circle is fairly open, with only a few strands of deciduous trees. She said she believed there had been a mistake in approving this plan and she therefore did not think it was erroneous for the Committee to look at the land use issue.

Ms. O'Neill opined the proposed golf range was unnecessary as there are quite a few in the area, at least two within five or seven minutes away. She said this development would mean a constant irritation from noise pollution (e.g. machinery, balls being hit and increased activity from people and cars), from morning to night, seven days a week from April to the end of October. As well, there would also be a visual blight (e.g. the netting and the commercial lighting). Ms. O'Neill felt the whole area should be frozen and properly planned or it would end up like Merivale Road. In conclusion, she stated the proposed use is not a respectful use of the land or the sky and is certainly not neighbourly.

Kevin Rankin, a resident of Marchbrook Circle noted he lives in upper left hand corner of Marchbrook Circle and stated he could look out any window on the front of his house and see traffic on March Road. He felt this should dispel any belief that there are any trees between the houses on Marchbrook Circle and the subject property.

Mr. Rankin indicated he wished to deal primarily with the access issue. He advised he had young children who get on a school bus and use March Road and as well, he works in the high tech sector in Kanata. He said he did not believe that March Road would not be expanded to four lanes within the next ten years, given that the high tech sector (which has many business parks within a kilometre of Old Carp Road) is the engine of job growth in the Region. March Road is extremely busy at both times of the day and anyone who travels that road regularly would recognize it is quite a task to get on and off on Carp

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Road. Mr. Rankin said he sometimes has to wait five minutes to get onto March Road from Old Carp Road and felt it naïve to believe this is a non-safety issue.

The speaker felt it important to have an appropriate plan for the corridor on March Road out to Dunrobin; he felt to have this type of ad hoc access decision was not appropriate. Mr. Rankin felt the City had made a mistake and he suggested if they had a chance to do it again, knowing that the majority of the people in the area oppose it, they would take a different approach.

On the issue of lighting, Mr. Rankin stated he was very unhappy about this. He felt the use of the subject land as estate residential would be totally appropriate abutting Marchbrook Circle neighbourhood.

Noting a number of speakers had referred to the covenants on the land, Committee Chair Hunter advised these would not have been put on by the developer or agent, but rather would have been required by either the local municipality or the Region as part of the subdivision conditions, to protect themselves from complaints about agricultural operations. The Chair indicated he understood that Mr. Rankin's impression was that this was a rural area for all time, because he was not warned of potential future developments.

Mr. Rankin confirmed this and said if one chose to live in a golfing community, this would be something that you would be well aware of when purchasing the property.

Mark Roberts, a resident of Marchbrook Circle, indicated he purchased his property in April, 1998 and understood he was buying rural estate property, with all the benefits and drawbacks associated with that. In particular, there were two items in the covenants that he signed, that he would respect agricultural uses of adjoining property and that he would protect and preserve the natural beauty of the surrounding property.

Mr. Roberts advised one of the things he liked about Marchbrook Circle was the low key lighting, noting there were only two street lights in the area. He said he knew of no other driving range in the Region that focuses its lights on residential area and he said he was very upset that it had gotten as far as it has. Mr. Rankin pointed out the subject land actually encompasses all of the property that backs onto Marchbrook Circle. He suggested if the Committee were to approve an access to the property, it would be approving an access for the whole piece of property and any future use that it might be put to. He felt therefore that future uses should be considered in the traffic study.

Mr. Roberts went on to say that he was generally disappointed by the lack of planning by City of Kanata in this area. With respect to the traffic; it appears from the staff report, that the Region did not do its own traffic study and took the traffic study that was done on

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behalf of the proponent, at face value. With respect to Kanata's criteria for the use of the property, he thought it was rather naïve they were satisfied the lighting issues could be resolved, noting lights in a driving range point not at the ground, but straight out. He did not think any amount of screening could prevent the impact of the light on their properties and he felt this type of commercial lighting was inappropriate for a rural neighbourhood.

In response to questions from Chair Hunter, Mr. Boucher advised there had been no application for formal site plan approval yet; what is at the OMB is the zoning by-law and the issue of land use. He advised that under Section 41 of the Planning Act, Kanata Planning Committee would have to hold a public meeting and Kanata, Council would have to make a decision on the matter of site plan approval. Mr. Marc added third parties have no appeal rights with respect to site plans, only the municipality and the applicant.

Committee Chair Hunter sought clarification on a point made by Mr. Roberts in his presentation. He said because the amendment was specifically to allow a golf driving range and ancillary facilities, if for some reason this did not go forward, the amendment could not be transferred to another use, nor could it be transferred to another part of the property. Any other applications that came forward would need a further amendment to the Kanata Official Plan to get access to March Road or they would have to buy from the sliver of property on Old Carp Road to get access that way. Mr. Marc confirmed this.

Bev Brodmann, a resident of Marchbrook Circle, indicated she concurred with the issues raised by the other residents of Marchbrook Circle.

Debra Tigner, advised she lives in the upper left corner of Marchbrook Circle and although she would not be directly affected by flying golf balls, she would be affected by the lighting. She said she is a very active member of the Royal Astronomical Society and she does night photography. She said she and her husband designed and built their dream house on what they thought was their dream country lot and the proposed development would greatly affect her family's lifestyle. She said any amount of lighting, whether it is screened or not, will have an impact, not just in terms of light trespass but also in the sky glowing. It would force her at least another half an hour away to do her work and her photography. She said she would like the neighbourhood to stay the way it is.

Laurie Emerton, a resident of Marchbrook Circle, expressed her support for the comments made by her neighbours.

Henry Brodmann, stated he and his neighbours appreciated the opportunity to address the Committee on this matter and noted the residents were somewhat naïve about not getting more involved with this at the local level in Kanata. However, today, with representation from every home on Marchbrook Circle, all of the issues have been covered. He said the

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development will impose bad light pollution, a tremendous amount of noise (an average of 10,000 golf balls a day will be hit, as well as the noise generated by large tractors operating at night picking up golf balls) and considerable traffic issues on March Road. He felt the Region should take a closer look at development of all lands on March Road and not take an ad hoc, patchwork approach. He said there are literally a dozen tax-paying subdivisions in rural Kanata, like Marchbrook Circle and he felt the land use that existed when the properties were purchased should be maintained.

Having heard from all public delegations, the matter returned to Committee.

Chair Hunter advised Councillor Munter had put forward an amending motion, that Planning and Environment Committee recommend that Council reject Kanata LOPA 49.

Speaking to his motion, Councillor Munter noted in terms of the transportation and access issue, it was not that the Transportation staff relied on the proponent's transportation analysis but rather that they answered the question, that if there was to be golf course there, how would they get to it. This does not answer questions of what the impact will be of the additional vehicles or what the impact of the deceleration lane will be. He pointed out the Transportation Department has previously tried to limit access to March Road because it is already so busy.

In the Committee's role representing the Minister of Municipal Affairs, they are responsible for ensuring when a municipality amends their official Plan, it does so in conformity with their Official Plan. He noted one of the criteria set out in Kanata's Official Plan is that the use does not detract from or impose negative impact on the use of adjacent land or roads and he felt this to be very much germane to the issue at hand. He suggested if 10,000 balls are hit in the course of day, and one assumes that 99.9% of those balls will stay within the limit, that means one out of every thousand will not. Over the course of a day, that could be 10 or 12 balls and over the course of a summer, that could be 1,500 or 2,000. That is potentially, a lot of balls flying into the back yards of people who are backing onto this development; people who did not choose to back onto a golf course community and who bought their homes with the reasonable expectation that there would not be this kind of use behind them.

Councillor Munter stated this Amendment does not conform to the Official Plan and it also does not adhere to (in the Committee's role as Minister) the principles of good planning. He opined that Kanata Council made a mistake, noting it was a very contentious issue there as well (passing by one vote at Council). He stated he believed the reason it passed is that Ms. Foley is well known and respected in Kanata. The Councillor stated he was certain that if the development did go ahead, Ms. Foley would respect her word and would try to put measures to mitigate the impact on the neighbours.

Councillor Munter urged the Committee to support his motion to reject this Amendment.

Councillor van den Ham agreed it was the Region's duty to deal with the transportation issue. He also agreed the facility, as presented (particularly with the lighting), was not a compatible use, however, he felt that was a decision to be made by Kanata. He said through the Regional Official Plan, flexibility was provided to the area municipalities and while there is a two tier system, whether Kanata has made a mistake or not, that is their role. He felt, given Kanata's history of strict development conditions, they would probably mitigate the lighting problem as much as possible. He suggested if the proposal did not have lights, it would likely be more acceptable to the community and he felt the people who own homes in the neighbourhood have a right not to have lights glaring at them. Councillor van den Ham felt the Region should deal only with what it was responsible for and in this regard he felt that safe access from the Regional road to the subject lands could be provided.

Councillor van den Ham asked if the proposal were to get to site plan approval stage, would the City of Kanata have the authority to say this can go ahead, but with no lights. Tim Marc advised facilities for lighting are within the jurisdiction of a local municipality on site plans, so the City could include in the site plan agreement a prohibition or a strong restriction on lighting.

Councillor Legendre pointed out the Committee was the approval authority for local official plan amendments. The Regional Official Plan, which local plans must be in conformity with, says that the use must not impact on the existing surrounding uses. He said he did believe the lighting would have an impact on the adjacent properties (given the strength of the lighting and the distances involved) and he did not believe it was a compatible use. He indicated he would be supporting Councillor Munter's motion.

Councillor Bellemare indicated he had reservations about the way this proposal was approved at the City of Kanata, however, the report before the Committee appears to address each point. He felt as the representative of the Minister, the Committee was responsible for ensuring Kanata properly went through its approvals process and he felt it had considered all of the issues. He said although the Committee might not agree with the conclusions the City had taken, he believed the traffic impact study adequately addressed the site condition and is correctly based on the expected number of vehicles that will be visiting the site. The proposal conforms to the Regional Official Plan in terms of use and it meets all of the criteria set out in the Kanata Official Plan. The City of Kanata is satisfied the light issue and the need for screening will be addressed by the site plan review process and Regional staff have advised, in terms of access to the site, traffic safety will not be a problem. He noted the residents focussed primarily on land use issues, which is

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not the domain of the Committee. Councillor Bellemare felt the Region did not have any reasonable grounds to reject this amendment to Kanata's Official Plan.

Councillor Beamish felt Regional staff should speak with City of Kanata staff to suggest they amend Section 4.1.6.7 of their Local Official Plan. He felt an issue such as this should not be coming to Planning and Environment Committee as it is a local matter that should be dealt with at the City of Kanata.

Councillor Hill, stated she had a problem with this matter. She felt the issue of land use was not before the Committee for consideration, rather it should be dealing with access to the property. She said however, after hearing that the access could only be for a golf driving range and no other use, she would be supporting Councillor Munter's motion, as it would appear a golf driving range is not a compatible use. She said she had intended originally to support the amendment because the owner should be allowed access to her land. The Councillor felt the residents could not reasonably believe these lands would remain vacant forever and she suggested they would have to resign themselves to the fact that someday they will be built up. Councillor Hill indicated she would be supporting Councillor Munter's motion only on grounds that the driving range is not an appropriate use for this area.

Committee Chair Hunter thanked the delegations for their presentations. He stated he was most troubled by the fact this issue was before the Committee in the first place. On the issue of the policy in the Kanata Official Plan concerning access to March Road, the Chair felt this would seem to put a property owner in a position of double jeopardy; having to satisfy two amendments. He agreed with others who said the Committee was really discussing a land use planning issue, when what was before them (as set out in the staff report) was a transportation and traffic issue. He said it was inevitable, no matter which way the Committee decided, that both matters would be going to the OMB and he said he hoped for the benefit of both the proponent and the opponents that the decision on each issue would be compatible.

Moved by A. Munter

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

CARRIED as amended

YEAS: D. Beamish, B. Hill, P. Hume, G. Hunter, J. Legendre and A. Munter....6
NAYS: M. Bellemare and R. van den Ham....2