

**SITE PLAN CONTROL APPLICATION
DELEGATED AUTHORITY REPORT
PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Location: 96 Bill Leathem Drive

File No.: D07-12-24-0124

Date of Application: October 10, 2024

This SITE PLAN CONTROL application submitted by John Mazzarello, on behalf of Chello Building Corporation, is APPROVED as shown on the following plan(s):

1. **Site Plan**, A010, prepared by KWC Architects Inc., dated October 31-2023, revision 2 dated March 21-2024.
2. **Colour Building Reference Elevations**, A011, prepared by KWC Architects Inc., dated October 31-2023, revision 2 dated March 21-2024.
3. **Storm Drainage Area Plan**, D-1, prepared by T. L. Mak Engineering Consultants Ltd., Consultant's project # 822-125, dated June 2023, revision #4, dated March 5, 2024.
4. **Proposed Erosion and Sediment Control Plan**, ESC-1, prepared by T. L. Mak Engineering Consultants Ltd., Consultant's project # 822-125, dated June 2023, revision #4, dated March 5, 2024.
5. **Proposed Site Grading and Servicing Plan**, G-1, prepared by T. L. Mak Engineering Consultants Ltd., Consultant's project # 822-125, dated June 2023, revision #9, dated March 5, 2024.
6. **Proposed Site Stormwater Management Plan**, SWM-1, prepared by T. L. Mak Engineering Consultants Ltd., Consultant's project # 822-125, dated June 2023, revision #6, dated March 5, 2024.
7. **Landscape Plan**, L1, prepared by GJA Inc., dated 2023 10 01, revision 2 dated 2024 03 21.

And as detailed in the following report(s):

1. **96 Bill Leathem Drive Chello Commercial Development Design Brief R1**, prepared by KWC Architects Inc., dated 21 March 2024, revised 16 May 2024.

2. **96 Bill Leathem Drive – Proposed Office / Warehouse Development Environmental Impact Study and Tree Conservation Report - Updated**, prepared by Muncaster Environmental Planning Inc, dated March 15, 2024.
3. **Geotechnical Investigation – Proposed Warehouse Building, 96 Bill Leathem Drive**, prepared by Paterson Group, Consultant's report No.: PG6668-1, dated June 1st, 2023
4. **Geotechnical Response to City Comments Memo**, prepared by Paterson Group, dated March 7, 2024.
5. **Geotechnical Review: Site Grading, Servicing Plan and Frost Review Memo**, prepared by Paterson Group, dated March 7, 2024.
6. **Slope Stability Review Memo**, prepared by Paterson Group, dated March 7, 2024.
7. **Serviceability Report**, prepared by T. L. Mak Engineering Consultants Ltd., Consultant's file # R-822-125A, dated September 2023, revision 1, dated March 2024.
8. **Storm Drainage Report**, prepared by T. L. Mak Engineering Consultants Ltd., Consultant's report # R-822-125, dated September 2023, revision 1, dated March 2024.

And subject to the following General and Special Conditions:

General Conditions

1. Lapsing of Approval

The Owner shall enter into this Site Plan Control Agreement and/or Letter of Undertaking, including all standard and special conditions, financial and otherwise, as required by the City. In the event that the Owner fails to sign this Agreement and/or Letter of Undertaking, complete the conditions to be satisfied prior to the signing of this Agreement, and have the corresponding building permit(s) issued within three (3) years of Site Plan approval, the approval shall lapse.

2. Barrier Curbs

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

3. Water Supply for Fire Fighting

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

4. **Reinstatement of City Property**

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

5. **Construction Fencing**

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

6. **Construct Sidewalks**

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

7. **Extend Internal Walkway**

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

8. **Completion of Works**

The Owner acknowledges and agrees that no new building will be occupied on the lands until all requirements with respect to completion of the Works as identified in this Agreement have been carried out and received Approval by the General Manager, Planning, Development and Building Services, including the installation of municipal numbering provided in a permanent location visible during both day and night and the installation of any street name sign on relevant streets. Notwithstanding the non-completion of the foregoing Works, occupancy of a lot or structure may otherwise be permitted, if in the sole opinion of the General Manager, Planning, Development and Building Services, the aforesaid Works are proceeding satisfactorily toward completion. The Owner shall obtain the prior consent of the General Manager, Planning, Development and Building Services for such occupancy in writing.

Until all requirements with respect to completion of the Works as identified in this Agreement have been carried out and received Approval by the General Manager, Planning, Development and Building Services, the Owner shall give notice to the City of a proposed conveyance of title to any building at least thirty (30) days prior to any such conveyance. No conveyance of title to any building shall be effective unless the Owner has complied with this provision.

Nothing in this clause shall be construed as prohibiting or preventing the approval of a consent for severance and conveyance for the purposes of obtaining

financing.

9. Development Charges

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

Special Conditions

10. Professional Engineering Inspection

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

11. Private Approach Detail

The Owner acknowledges and agrees that all private approaches serving the proposed development shall be designed and constructed, at the sole expense of the Owner, in accordance with the City's "Curb Return Entrances – Uncontrolled Intersections" Plan, Drawing No. SC7.1, dated March 2007 and revised March 2021, and the Owner shall comply with the City's Private Approach By-law, being No. 2003-447, as amended.

12. Private Access

The Owner acknowledges and agrees that all private accesses to Roads shall comply with the City's Private Approach By-Law being By-Law No. 2003-447 as amended, or as approved through the Site Plan control process.

13. Geotechnical Investigation

The Owner acknowledges and agrees that it shall retain the services of a geotechnical engineer, licensed in the Province of Ontario, to ensure that the recommendations of the Geotechnical Investigation – Proposed Warehouse Building, 96 Bill Leathem Drive (the "Report"), referenced in Schedule "E" herein, are fully implemented. The Owner further acknowledges and agrees that it shall provide the General Manager, Planning, Development and Building Services with confirmation issued by the geotechnical engineer that the Owner has complied with all recommendations and provisions of the Report, prior to construction of the

foundation and at the completion of the Works, which confirmation shall be to the satisfaction of the General Manager, Planning, Development and Building Services.

14. Stormwater Management Memorandum

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

15. Stormwater Works Certification

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

16. Inlet Control Devices (ICDs)

The Owner acknowledges and agrees to install and maintain in good working order the required in-ground stormwater inlet control devices, as recommended in the approved Storm Drainage Report, referenced in Schedule "E" herein. The Owner further acknowledges and agrees it shall assume all maintenance and replacement responsibilities in perpetuity. The Owner shall keep all records of inspection and maintenance in perpetuity, and shall provide said records to the City upon its request.

17. Water Demand for Fire Fighting

The Owner acknowledges and agrees that the City's boundary conditions were provided for the subject development site setting out the available municipal water supply. The Owner further acknowledges and agrees that prior to building permit issuance, a letter shall be prepared by a qualified Building Code professional, licensed in the Province of Ontario, and provided to the General Manager, Planning, Development and Building Services confirming the plans submitted for building permit issuance have incorporated any and all requirements of the Fire Underwriters Survey, 2020, or as amended, to achieve the low construction coefficient used within the proposed building design.

18. Private Storm Sewer Connection to City Sewer System

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

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

19. Site Lighting Certificate

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

20. Maintenance and Liability Agreement for Landscaping

The Owner acknowledges and agrees it shall be required to enter into a Maintenance and Liability Agreement with the City, for those elements which are to be located in the City's Bill Leathem Drive right-of-way, as shown on the approved Site Plan (A010) referenced in Schedule "E" herein, including all plant and landscaping material (except municipal trees), concrete pathway. The Maintenance and Liability Agreement shall be registered on title, at the Owner's expense,

immediately after the registration of this Agreement. The Owner shall assume all maintenance and replacement responsibilities in perpetuity.

21. Waste Collection

The Owner acknowledges and agrees that garbage, recycling, and organic waste collection will not be provided by the City and it shall make appropriate arrangements with a private contractor for garbage, recycling, and organic waste collection at the Owner's sole expense. The Owner shall consult a private contractor regarding any access requirements for garbage and/or recycling and organic waste collection.

22. Cash-In-Lieu of Conveyance of Parkland

Prior to registration of the Site Plan Agreement, the Owner acknowledges and agrees to pay cash-in-lieu of conveyance of parkland as referenced in Schedule "B" herein. Pursuant to the City's Parkland Dedication By-law, being By-law No. 2022-280, as amended, 40% of said funds collected shall be directed to City wide funds, and 60% shall be directed to Ward 24 funds. The Owner shall also pay the parkland appraisal fee of \$820.00 plus H.S.T. of \$106.60, as referenced in Schedule "B" herein.

December 20, 2024



Date

Lily Xu
Manager, Development Review South,
Planning, Real Estate and Economic
Development Department

Enclosure: Site Plan Control Application approval – Supporting Information

SITE PLAN CONTROL APPROVAL APPLICATION SUPPORTING INFORMATION

File Number: D07-12-24-0124

SITE LOCATION

96 Bill Leathem Drive, and as shown on Document 1.

SYNOPSIS OF APPLICATION

The subject site is located west of Leikin Drive, on the south side of Bill Leathem Drive in the South Merivale Business Park. The site measures 0.40 hectares in area and has approximately 62 metres of frontage on Bill Leathem Drive. The surrounding land uses consist of the Clark Bellinger Environmental Facility to the south, the Enbridge South Merivale Operations Centre to the west, Paragon Avenue and an industrial manufacturing operation to the north, and a vacant industrial land to the east.

The Site Plan Control application will facilitate the development of a two-storey, 1,346 m² light industrial building with space for office and warehouse use.

Vehicular access will be provided by one access on Bill Leathem Drive, near the northwest corner of the lot. The parking lot will include 18 surface parking spaces in the front yard and 10 surface parking spaces in the rear yard. In addition, 7 bicycle parking spaces will be included in the front yard. Native trees and shrubs will be planted along the front and rear ends of the lot.

The Clarke Bellinger Environmental Facility directly south of the subject site and the Sach's Forest Urban Natural Area south of the Clarke Bellinger Environmental Facility are identified as significant natural heritage features in the Official Plan. The Environmental Impact Study (EIS) submitted with the application confirmed that the construction and operation of the proposed warehouse will not have a negative impact on the natural heritage features and functions. A portion of the rear surface parking and retaining wall encroach within the 15-metre setback from the stable top of slope; however, Environmental Planning staff agree with the conclusions of the ESI that this encroachment would not impose a negative impact on the ecological function of the environmental facility.

Related Applications

N/A

DECISION AND RATIONALE

This application is approved for the following reasons:

- The application is consistent with the Provincial Planning Statement as it facilitates the efficient use of serviced land in an Employment Area.
- The application conforms with the Official Plan. The site is designated Mixed Industrial in the Suburban Transect.
- The application complies with the Light Industrial Subzone 9 (IL9) zone and the applicable performance standards.
- The site layout and design represent good planning.

PARKLAND DEDICATION

Parkland dedication, in accordance with By-law 2022-280, is being satisfied within this approval through the taking of cash-in-lieu of parkland as detailed in the above conditions.

CONSULTATION DETAILS

Councillor's Comments

Councillor Wilson Lo was aware of the application related to this report.

APPLICATION PROCESS TIMELINE STATUS

This Site Plan application was processed by the On Time Decision Date.

Contact: Kelby Lodoen Unseth Tel: 613-580-2424, ext. 12852 or e-mail: kelby.lodoenunseth@ottawa.ca

Document 1 – Location Map

