

**2. D. MCGEE CONSTRUCTION CO. LTD. -
PROPOSED TEMPORARY USE ZONING BY-LAW AMENDMENT -
PART OF PART 1, 5R-2813, CONCESSION 11, LOTS 29 AND 30 - CITY OF KANATA**

COMMITTEE RECOMMENDATION AS AMENDED

That Council direct staff not to appeal the above noted zoning by-law amendment.

DOCUMENTATION

1. Planning and Development Approvals Commissioner's report dated 26 June 2000 is immediately attached.
2. An Extract of Draft Minute, 11 July 2000, immediately follows the report and includes a record of the vote.

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. 29-00-0084

DATE 26 June 2000

TO/DEST. Co-ordinator
Planning and Environment Committee

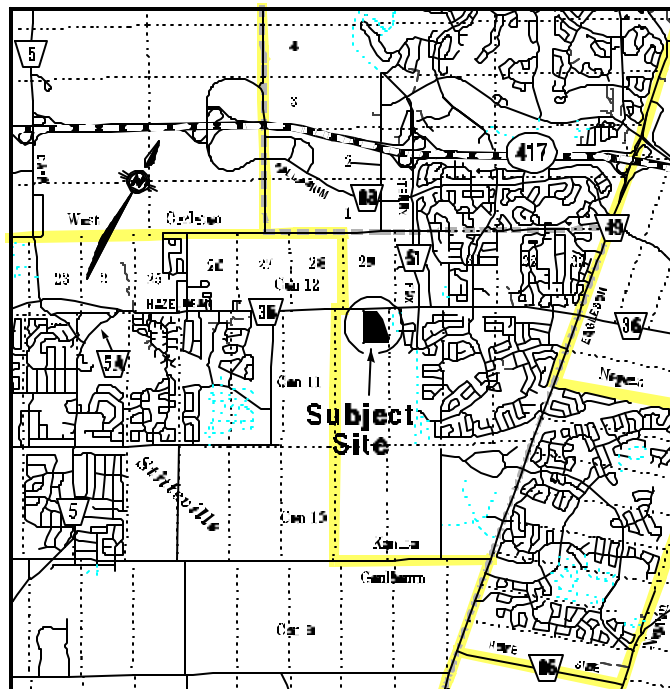
FROM/EXP. Commissioner, Planning and Development Approvals

SUBJECT/OBJET **D. McGEE CONSTRUCTION CO. LTD. - PROPOSED
TEMPORARY USE ZONING BY-LAW AMENDMENT -
PART OF PART 1, 5R-2813, CONCESSION 11, LOTS 29 AND 30
CITY OF KANATA**

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee recommend that Council direct staff to appeal the above noted zoning by-law amendment.

LOCATION



BACKGROUND

The application is to permit a golf driving range, mini putt and associated uses on a temporary basis. The subject lands are designated Agricultural Resource Area in the Regional Official Plan and Agricultural Resource in the City of Kanata Official Plan. The policies associated with these designations do not permit the proposed use.

The applicant has requested that this matter be brought forward in advance of the regular Report on Delegated Functions. A notice of decision has not yet been received from the City of Kanata but a certified resolution of Kanata City Council has been provided.

DISCUSSION

Permitted Uses in Agricultural Resource Areas

Uses permitted in Agricultural Resource Areas are agricultural operations, activities required to support agricultural operations and activities directly related to agriculture. Specific provision is also made for forestry, conservation uses, pits and wayside pits and quarries. Recreational uses are not permitted in accordance with the Provincial Policy Statement. This is an explicit change from the 1988 Regional Official Plan which did permit open air recreational uses in Agricultural Resource Areas if they were on pockets of poor land. The 1997 Regional Official Plan now allows open air recreation uses under the General Rural designation (Sect 3.7.4) but does not permit them within the prime agricultural lands found within the agricultural resource designation.

Consideration of a Temporary Use

The Planning Act permits a Council to adopt a temporary use by-law to authorise the temporary use of land, buildings or structures for any purpose set out therein. Temporary Use by-laws are intended to permit a use for a limited period of time that is otherwise prohibited by the comprehensive zoning by-law. However, as with any zoning by-law, the temporary use by-law must conform with the policies of the Official Plan. The temporary nature of the proposal has no bearing on this consideration.

“24. (1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1).”

The temporary use by-law should not be permitted without amendment to both the City of Kanata and Regional Official Plans. The owners of the property were informed in 1997 that this was the only way the proposed use could be considered on the subject lands. It is further noted that the City of Kanata Official Plan makes no provision for temporary uses and non-conformity to the Official Plan.

Committee members may recall a recent City of Ottawa local official plan amendment dealing with temporary surface parking on vacant sites in the Central Area (27 March 2000 meeting). This issue had initially been dealt with as a proposed temporary use by-law which was successfully appealed to the Ontario Municipal Board. In its decision, the Board ruled that any by-law, including a temporary use by-law, must conform to the relevant Official Plan policies. Regional Legal staff advise that this principle of Official Plan conformity for temporary use by-laws has been upheld by the Board in other recent decisions.

Staff are concerned that this case could also be viewed as a precedent in other situations where official plan policies may be ignored on the basis that the use is only “temporary”. While the maximum length of a temporary use by-law under the Planning Act is three years, there is no limit on the number of times the by-law can be renewed. Once the use is in existence and barring serious problems with the existing use, it is quite likely that the temporary use would be renewed. Although the structure to be located on site is movable there is still a fair amount of investment required in order for the use to be viable. Proper access, parking facilities (granular), lighting, placement of fill and grading are all required for the proposed use. Kanata Staff had recommended that the use not be permitted to proceed with the proposed well and septic system as this also represented a substantial investment in the site and would give the “facility a sense of permanence. It could also effect the eventual use of the site for agricultural purposes by constraining the site layout or limiting till patterns”. It should be noted that in approving the temporary use by-law, Kanata Council removed the condition requested by Kanata staff “that no well or septic system be constructed on the subject lands while this by-law is in effect”. This merely raises additional concerns as to how “temporary” the proposed temporary use is.

Feasibility of Amending the ROP to Permit a Golf Driving Range

The proposed Golf Driving Range could only be permitted by amendment to the Local Official Plan and the Regional Official Plan. Such an amendment to the ROP would typically be in the form of “notwithstanding the uses permitted above.....”. It should be noted that this approach has been followed with respect to one other golf driving range in the Township of Goulbourn which was permitted as an exception to the Regional Official Plan. However, this proposal does not meet the standard tests of the ROP or the Provincial Policy Statement.

The subject property is located on lands with the highest LEAR rating, being greater than 180 points and Class 2 lands. The property is also identified within an archaeological potential area.

The Provincial Policy Statement (1996), Section 1.1.1c) states that extensions into prime agricultural areas are permitted only where:

- there are no reasonable alternatives which avoid prime agricultural areas.
- there are no reasonable alternatives with lower priority agricultural lands in the prime agricultural areas.

There are ample lands within Kanata and the Region as a whole which have a “General Rural” designation which would permit the proposed outdoor recreation use. There is no evidence that the applicant has considered either of the above in selecting the subject site for the temporary use.

CONSULTATION

The City of Kanata held a public meeting on 20 June 2000 to consider the proposed Double Deck Golf Centre and the associated Temporary Use By-law.

FINANCIAL IMPLICATIONS

This recommendation may result in a Regional Planner and Legal advisor attending an OMB Hearing.

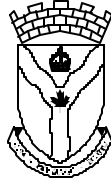
Approved by
N. Tunnacliffe, MCIP, RPP

Annex 1 - RMOC Comments dated 1 June, 2000
Annex 2 - Report of the City of Kanata dated 20 June, 2000
Annex 3 - Certified Resolution of Kanata City Council

ANNEX 1

Region of Ottawa-Carleton

Ottawa-Carleton Centre, Cartier Square
111 Lisgar Street
Ottawa ON K2P 2L7
Planning and Development Approvals Department
Development Approvals Division
Tel. (613) 560-2053
Fax. (613) 560-6006



Région d'Ottawa-Carleton

Centre Ottawa-Carleton, Place Cartier
111 rue Lisgar
Ottawa ON K2P 2L7
Service de l'urbansime et de l'approbation des
demandes d'aménagement
Tél. (613) 560-2053
Télécopieur (613) 560-6006

Date: 1 June 2000
RMOC File: 29-00-0084

Applicable Planning Act: **Bill 20**

Ms. Roxanne MacInnis
City of Kanata
Planning and Development Services Group
580 Terry Fox Drive
Kanata ON K2L 4C2

Dear Ms. MacInnis

**Re: D. McGee Construction Co. Ltd.
Proposed Temporary Use ZBLA
Part of Part 1, 5R-2813
Concession 11, Lots 29 and 30
City of Kanata**

Thank you for the opportunity to provide comments on the above-noted proposed zoning by-law amendment (ZBLA). The Regional Departments concerned have reviewed the proposed Temporary Use ZBLA and report the following:

The subject lands are designated Agricultural Resource in the Regional Official Plan and Agricultural Resource in the City of Kanata Official Plan. The application is to permit a golf driving range, mini putt and associated uses on a temporary basis. The policies associated with these designations do not permit the proposed use.

The Temporary use provisions of the Planning Act, state that:

“39. (1) The Council of a local municipality may, in a by-law passed under Section 34, authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law.”

The Planning Act also requires that:

“24. (1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1).”

Section 24(1) requires that a by-law passed under Section 34 must be in conformity with the Official Plan. Since the temporary use by-law section 39(1) is passed under section 34, the by-law passed under section 39(1) must also be in conformity with the Official Plan.

The temporary use by-law should not be permitted without amendment to both the City of Kanata and Regional Official Plans. It is further noted that the City of Kanata Official Plan makes no provision for temporary uses and non-conformity to the Official Plan.

Regarding the notion of amendments to the Official Plans it should be noted that the subject property is located on lands with the highest Lear rating, being greater than 180 Lear score, and on ARDA Class 2 lands. The property is also identified within an archaeological potential area.

Regard should also be had to: Provincial Policy Statement (1996) 1.1.1c) Extensions into prime agricultural areas are permitted only where:

- there are no reasonable alternatives which avoid prime agricultural areas.
- there are no reasonable alternatives with lower priority agricultural lands in the prime agricultural areas.

Provincial Policy Statement 2.1.3 c) allows limited non-residential uses provided that:

- there is a demonstrated need for additional land to accommodate the proposed use.
- there is no reasonable alternative location which avoids prime agricultural areas.
- there are not reasonable alternative locations in prime agricultural areas with lower priority agricultural areas.

Should the Temporary ZBLA be passed, the Regional Planning and Development Approvals Department request a copy of the Council passed Temporary ZBLA as required by Section 34(18) of the Planning Act, 1990 and as prescribed by Ontario Regulation 199/96.

Section 34(22) of the Planning Act, 1990 provides that upon completion of the twenty day Ontario Municipal Board (OMB) appeal period, an affidavit or declaration of an employee of the local municipality is proof that the subject Temporary ZBLA has come into force and that the procedures prescribed have been complied with. Please forward a certified copy of the subject Temporary ZBLA when the notification period is completed.

In the event the subject Temporary ZBLA is appealed to the OMB, or not enacted, the Regional Planning and Development Approvals Department would appreciate notification of such to complete its files.

Sincerely

Lynn Calvert
Regional Planner

cc: Murray Chown, Novatech Engineering
David Kardish, Regional Realty



The Corporation of the City of Kanata

City Manager Report

107-06-00

Council Date: June 20, 2000

Subject: Public Meeting, Double Deck Golf Centre, Amendment to Zoning By-law 1007-62 for a Temporary Use By-law to permit a Golf Driving Range and Mini Putt, Hazeldean Road, Former Township of Goulbourn, Rural Community.

Author: Roxane MacInnis

Signature: *Roxane MacInnis*

Ext. #: 321

Service Group: Planning and Development Services

Position: Planner

Service Group Report No. 66-00

Corporate File No. 7520-87

Recommendation(s):

That the By-law which forms Attachment No. 6 to Report No. 107-06-00, being an Amendment to Zoning By-law 1007-62, former Goulbourn Township, as it applies to the lands owned by D. McGee Construction Limited, legally described as Part of Part 1, 5R-2913, Lots 29 and 30, Concession 2, former Goulbourn Township, City of Kanata, South Rural Area, be listed for adoption on the June 20, 2000 Council agenda.

Background:

On April 13, 2000, Mr. Greg Winters, submitted an application on behalf of D. McGee Construction Company Limited and Double Deck Golf Centre, to amend By-law 1007-62, being the Zoning By-law for the Rural Community, former Township of Goulbourn, as it relates to a vacant parcel of land, legally described as Part of Part 1, 5R-2913, Lots 29 and 30, Concession 2, former Township of Goulbourn, now located in the City of Kanata. The application would permit the development of a driving range, mini putt and chip and putt facility, on a temporary basis, for not more than 3 years. The lands are generally described as being located on the south side of Hazeldean Road, west of Terry Fox Drive as shown on the Location Map (Attachment No. 1 to this report).

The applicant does not wish to permanently rezone these lands and therefore is applying for a temporary use by-law amendment. The use will only be able to operate

DIRECTOR:

[Signature]

OTHER:

Treasurer's Approval:
(if applicable)

CITY MANAGER'S COMMENTS: (if applicable)

CITY MANAGER

for up to three years at which time operations will have to cease or a new by-law would need to be passed. Attachment No. 2 is a reduced copy of the preliminary site plan for the driving range and mini putt.

The site is located in a rural area of Kanata that was once part of the Township of Goulbourn. It is located on the south side of Hazeldean Road, west of the Carp River. The lands to the west and south of the subject site are currently zoned for agricultural uses and are actively being farmed. The lands on the north side of Hazeldean Road are also used for agricultural purposes. The Carp River forms the eastern boundary with the subject lands and beyond the river, to the east is the Westcreek Meadows subdivision.

The Double Deck Driving Range has been in existence in Kanata for over 10 years. It is currently situated on the north side of Maple Grove Road, west of Silver Seven Road. The current owner of the Double Deck Golf Centre site wishes to develop the property and have requested that the driving range vacate the property by the 15th of July, 2000. The applicant has been actively searching for land in advance of the termination of the lease on the current site. However, due to a lack of sites in the urban area and suitable land in the rural area, the applicant has identified the site on Hazeldean Road as most desirable. The subject lands contain the attributes required for a golf driving range. These include: a property of substantial area; a flat parcel of land where grass can be grown; access to a major arterial road and orientation away from the setting sun. As well, the applicant requires a site that will be available immediately to start preparing it for a Spring 2001 opening.

The Planning and Development Services staff have reviewed and evaluated the application and have no objection to the requested temporary use by-law amendment to Zoning By-law 1007-62. This report therefore, outlines staff's position and those of other agencies concerning the application and recommends adoption of the attached Zoning By-law Amendment.

Rationale:

The proposal for the subject lands is for a golf driving range, mini-putt, and chip and putt facility, developed on a temporary basis, for not more than three years. As such, there will be no permanent structures or facilities associated with this use.

The complete application to amend Zoning By-law 1007-62 was filed with the City of Kanata on April 13, 2000. The application is for a 9.49 hectare parcel of land, on which a golf driving range, mini-putt and chip and putt would be situated, for a temporary period of not more than three years.

All applications for Zoning By-law Amendments are reviewed in terms of their conformity to the City's Official Plan. The subject lands are located within the rural area of the City. The general intent of the Official Plan with regards to the development of commercial and industrial uses in the rural area is to ensure that each proposal meets the following criteria, as listed in Section 4.1.6.1 of the City of Kanata's Official Plan:

- use will not require municipal piped services
- use does not detract from or impose a negative impact on the use of adjacent lands or uses
- use complies with the Health Protection and Promotion Act
- use does not use large volumes of water or dispose of large volumes of waste
- adequate off-street parking is provided and screening or separation from adjacent non-compatible uses
- use fronts onto rural collector or rural arterial road

The intent of the rural area policies as they relate to non-intensive industrial and commercial uses, is to ensure that all of the above criteria are met, with regards to the

proposed use. The proposed use and site location conform to these provisions. As such, the use conforms to the general provisions of Section 4.1.6.1.

The Official Plan identifies private cultural or recreational facilities as permitted commercial uses under Section 4.1.6.2. A golf driving range facility is considered a private recreational facility.

A new commercial or industrial use can be established within the Rural Area, without an amendment to the Official Plan, provided that the development evaluation criteria listed in Section 4.1.6.8 are met. The requirements that must be met with regards to the evaluation of the proposal are:

- a hydrogeological study demonstrating the suitability of the site for septic system and well;
- integration of the development with the physical attributes of the landscape;
- ability to provide screening relative to adjacent land uses;
- location in relation to sensitive ground water recharge areas;
- potential capital or maintenance expenses such as extensive drainage works which may result in major expenses to the City; and
- noise or traffic which may be generated by the new noise. (OPA 13, February 10, 1993)

However, a zoning by-law amendment will be required to establish a new commercial use in the Rural area.

Therefore, the proposed golf driving range is an appropriate use for the rural area as all the policies presented in Sections 4.1.6.2 and 4.1.6.8 are addressed.

The subject property is located within the Agricultural Resource designation in the City of Kanata's Official Plan. The main intent of Section 4.2.1, the Agricultural Resource designation is to protect prime agricultural land from permanent loss to other uses and prevent uses which will have a negative impact upon adjacent agricultural uses. As such, the intent of this designation is to maintain the ability of these lands to be used for farming and related operations. In this regard, commercial uses are restricted in the Agricultural Resource designation to ensure they are compatible with agricultural type uses. The proposed driving range facility is to be a temporary use, and as such, will not result in a permanent loss of agricultural land.

The City of Kanata's Official Plan does not explicitly permit recreational uses, under Section 4.2.2, to be located on lands within the Agricultural Resource designation. It does, however, permit the establishment of new commercial uses, within Section 4.1.6.8, in Rural Areas, provided certain criteria are met, as indicated above.

The temporary and non-intensive nature of the facility will not have a negative impact upon the surrounding land uses. As well, the lands will be easily converted back to agricultural uses and the integrity of the lands will not be compromised. Therefore, since it is not a permanent facility, it will conform to the intent of Section 4.2 of Kanata's Official Plan.

Regional Official Plan Policies

The main objective of Section 7 of the Regional Official Plan with regards to agricultural areas is to protect major areas of agricultural production from loss to other uses and to ensure that these uses do not conflict with the agricultural uses. Therefore, any uses that are in obvious conflict with farming related activities should not be permitted. However, the intent of the agricultural resource designation is to ensure that arable land is not permanently removed from the inventory of prime agricultural land.

As with the City of Kanata's Official Plan, recreational uses are not permitted as permanent uses in the Agricultural Resource designation. However, the use is temporary and therefore will not result in a permanent loss of agricultural land to a non-farming use nor will it have a negative impact upon surrounding uses. As a temporary

use, the land will be returned to the inventory of agricultural land upon the termination of the by-law. In staff's opinion, this use is therefore a suitable alternative to an agricultural use, on an interim basis.

Zoning By-law

The parent by-law, 1007-62, is a remnant of the previous Goulbourn Township by-law and allows only existing uses for this site. Accordingly, a recreational use is not a stated permitted use within this zone. Therefore, the applicant has requested a change in zoning that will allow for a temporary use provision as it relates to the driving range and related facilities. Under Section 39 of the Planning Act, R.S.O., 1990, temporary by-laws may be passed to allow non-permitted uses on an interim basis for up to three years. Since the proposed use is temporary, it will maintain the general intent of the by-law as it is a non-intensive use which would be compatible with the rural nature of the area.

Site Description and Explanation of Use

A small portion of the property, immediately adjacent to Hazeldean Road, will require some modifications to accommodate the parking lot, and a temporary structure that will be used for offices and related uses. The remainder of the property will be used for the driving range and other facilities.

The applicant has stated that the use will not conflict with the rural nature of the area. While parts of the fairway will be mowed for easier retrieval of golf balls, very little of the site will be disturbed.

According to the applicant, private services will be required on the site, in order to accommodate staff and customers. The applicant has indicated that they will require a well and a septic system, which will be constructed according to current engineering practices. However, staff do not support the construction of a well and a septic system as it gives the facility a sense of permanence. It could also affect the eventual use of the site for agricultural purposes by constraining the site layout or limiting till patterns.

A portion of the subject lands fall within the flood plain of the Carp River, although the only activity that will occur in the flood plain will be a small component of the fairway of the driving range and the chip and putt facility, both of which are grassy areas. All structures and parking lots will be situated outside of the 100 year flood plain.

The property will require some fill placement and leveling above the 94.4 metre elevation (see Attachment No. 2) for the fairway only. The fill activities will be subject to permit approvals under Ontario Regulation 159/90 if found to be within the fill regulated area. The MVC has indicated that they will support the land use change provided that no site alterations be permitted in the floodway. The proposed concept plan, shown as Attachment No. 2, indicates where such activities can and cannot occur. Staff support using native fill only, to preserve the agricultural capacity of the site, and have included this as a condition within the zoning by-law.

Lighting is generally addressed at the site plan approval stage, however, due to the nature of the use and its proximity to residential neighbourhoods, the issue is being discussed at the re-zoning stage. The lighting system for this proposal will be a floodlight system, which will reduce the amount of glare that spill onto the surrounding properties and Hazeldean Road. Lights will be located along the eastern boundary of the property and in areas where activity will be occurring, such as at the tees, in the mini putt area and in the chip and putt area. As such, lighting should have little effect on the adjacent uses. The details of the lighting plan shall be addressed during the site plan approval stage.

Staff support this application for temporary use provisions with regards to the golf driving range and related facilities for not more than three years, provided that no permanent changes to the land occur. To ensure the use is temporary, staff have developed specific conditions in the zoning by-law amendment to address these matters.

Other Alternatives Considered:

The applicant has searched for a suitable site in Kanata that is proximal to the current location at Maple Grove Road and Silver Seven Road. After considering many sites, the current location was chosen as it meets the criteria, determined by the applicant, to be appropriate for the driving range, the mini putt and the chip and putt facility. Consideration has been given to a number of conceptual plans for the layout of the site to demonstrate its temporary nature. However, the formal site plan will not be finalized until an application is made for site plan approval.

Financial Considerations:

There are no financial considerations concerning this report.

Consultations:

In accordance with Departmental policy, staff circulated the application to the various agencies for their comments on the proposed amendment and notice of the Public Meeting was subsequently published in the May 26, 2000 edition of the Kanata Courier Standard. A total of 23 agencies and City Service Groups were requested to comment on the application. Any concerns or comments have been included in the body of the report where appropriate.

There have been some concern from future residents of the Westcreek Meadows subdivision regarding lighting, and how it will affect their enjoyment of their homes (see Attachment No. 3). These concerns have been addressed in the body of the report, and a site lighting plan will be required at the site plan approval stage.

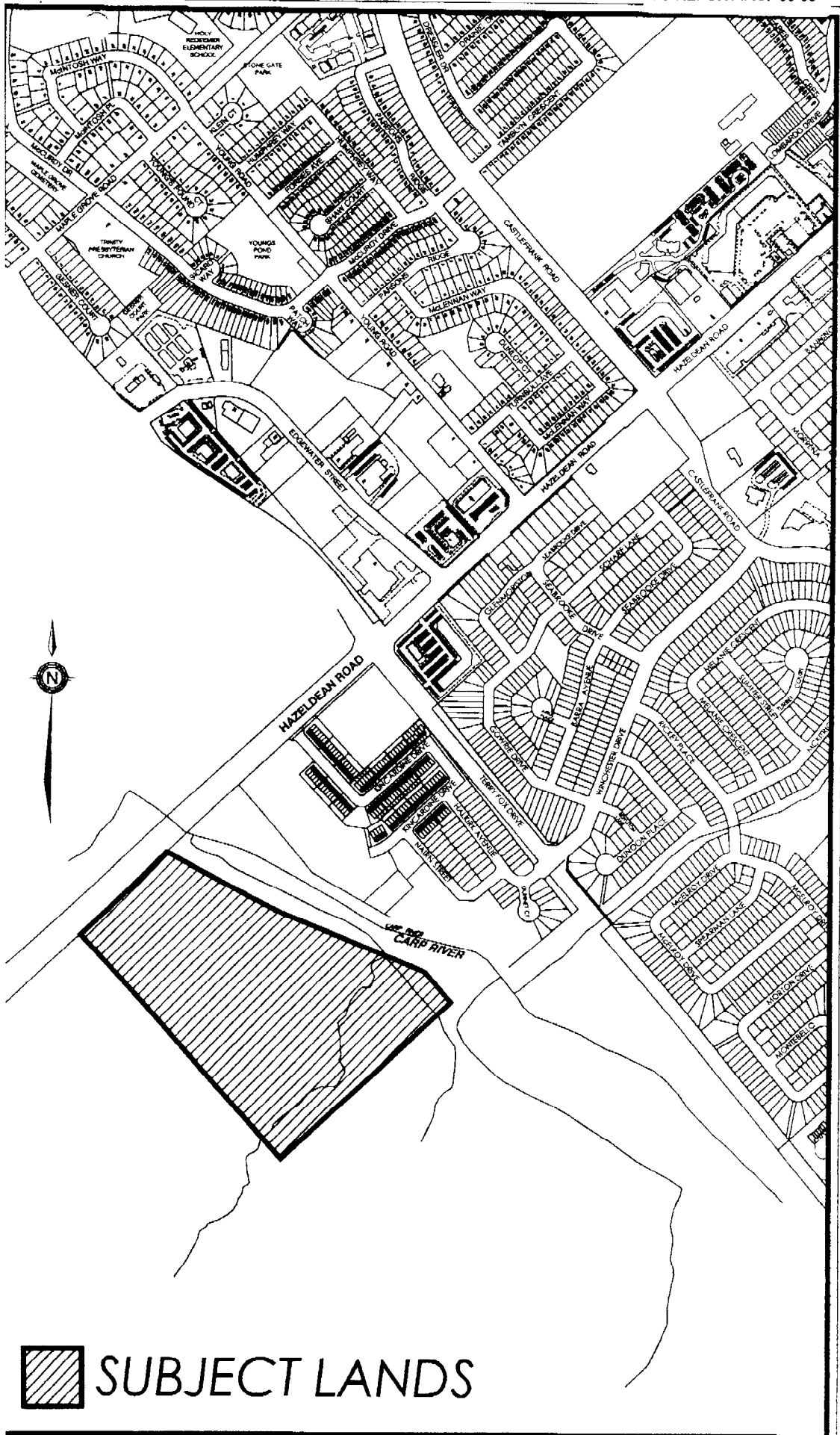
Regional Municipality of Ottawa-Carleton

The staff at the Region have provided comments (see Attachment No. 4) that the temporary use by-law must conform to the policies in both the City of Kanata's Official Plan and the Region's Official Plan. They have indicated that Section 24 of the Planning Act, R.S.O. 1990, states that no by-law shall be passed that does not conform to the policies of the local and regional official plans. They also state that the municipality must include a statement within their official plan regarding temporary uses and non-conformity to the Official Plan if a temporary use by-law is to be enacted. As such, the Region suggests that a Regional Official Plan amendment and a Local Official Plan amendment are required for this application. As noted in the Rationale section, City staff are of the opinion that the proposal does conform to the intent of the Regional Official Plan and the Local Official Plan and as such, the temporary use by-law is an appropriate means to allow this use.

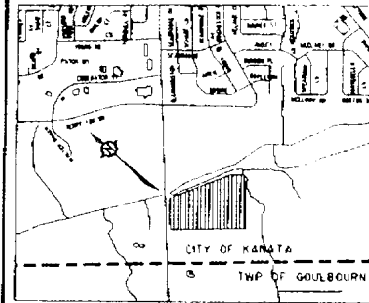
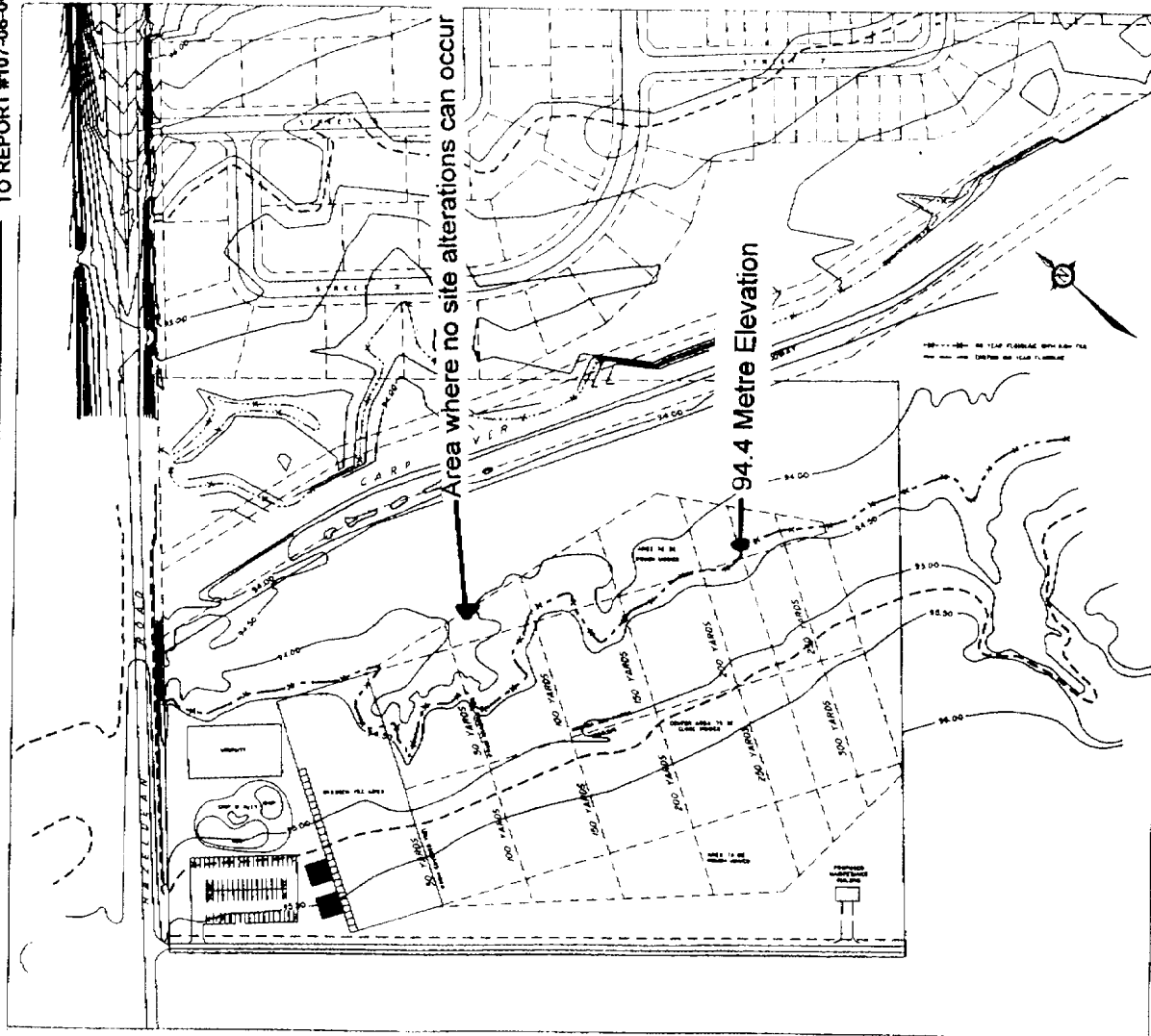
Mississippi Valley Conservation

The Conservation Authority has indicated that they will not oppose the application if the area below the 94.4 m elevation is not altered in any way. If any filling is proposed within the fill area, then a permit will need to be issued, as already indicated in the report. As well, they wish to have the re-zoning include a provision that there will be no alterations below the 94.4 metre elevation. This provision is included within the by-law. They have indicated that any other concerns shall be addressed during the site plan

approval stage (see Attachment No. 5 for a copy of the letter from Pat MacMillan of the MVC).



 SUBJECT LANDS



CONCEPT PLAN

Double Deck Driving Range

Double Deck Driving Range
1565 Maple Grove Road
Kanata, Ontario
K2V 1A3

Not to Scale

NO.	REVISION	DATE	BY
1	ISSUED FOR COMMENTS	JAN 7/99	GP
2	ISSUED FOR COMMENTS	DEC 9/98	MC

NOVATECH
CONSULTING ENGINEERS & PLANNERS
Suite 117, 1700 Yonge Street
Toronto, ON M2M 1K7
Telephone: (416) 771-8866
Facsimile: (416) 771-1813

ISSUED December 13, 1998
PROJECT NO. 100057
DRAWING NO. 100057-CP2

Romaine Macinnis

From: Goertzen[SMTP:goertzen@cyberus.ca]
Sent: May 15, 2000 8:29 AM
To: rmacinnis@city.kanata.on.ca
Cc: council@city.kanata.on.ca
Subject: Application for temporary zoning by-law City file 7520-87



ATT0000.htm

Dear Ms. MacInnis:

I am registering my concern for the application to construct a golf driving range and mini-putt and related uses on the property on Hazeldean Road.

My husband and I have entered into an agreement with Claridge Homes to purchase property just to the east of the site, backing onto the Carp River. As future neighbours, we feel that our input should be taken into consideration.

Our main concern is with the possibility of lighting the facility to permit evening play. The lights at driving ranges tend to be very bright, and are not appropriate for a location adjacent to a residential neighbourhood. The drawing that we have seen is not to scale, so the actual distance between the two uses is difficult to determine. There is also no indication as to where any light standards may be located. What are the intentions for evening use and what lighting will be installed?

We understand that this is a temporary use by-law, with a maximum life of three years, but we are concerned that the area may be permanently rezoned after that time.

Please reply before this report is presented to Council.

Thank you
Shelley and Keith Goertzen

cc: Pam Cripps, Ward 3 Councillor (Glen Cairn)



CITY OF KANATA

I, Patricia Hall, Acting Administrative Officer, City of Kanata, do hereby certify that the following is a true copy of a resolution adopted by Kanata City Council at its meeting held on June 20, 2000.

MOVED by Mayor Nicholds

THAT the By-law which forms Attachment No. 6 to Report No. 107-06-00, being an Amendment to Zoning By-law 1007-62, former Goulbourn Township, as it applies to the lands owned by D. McGee Construction Limited, legally described as Part of Part 1, 5R-2913, Lots 29 and 30, Concession 2, former Goulbourn Township, City of Kanata, South Rural Area, be listed for adoption on the June 20, 2000 Council agenda.

CARRIED UNANIMOUSLY
(with the following amendment)

MOVED by R. Rutkowski

THAT Item 1.(iv)(c) "That no well or septic system be constructed on the subject lands while this by-law is in effect", be removed from this By-law.

Given under my Hand and Seal of the said Corporation, at the City of Kanata, this 22nd day of June, 2000.



Patricia Hall
Acting Administrative Officer
Legislative Services
City of Kanata

Extract of Draft Minute
Planning and Environment Committee
11 July 2000

6. D. McGEE CONSTRUCTION CO. LTD. - PROPOSED
TEMPORARY USE ZONING BY-LAW AMENDMENT -
PART OF PART 1, 5R-2813, CONCESSION 11, LOTS 29 AND 30
CITY OF KANATA
- Planning and Development Approvals Commissioner's report
dated 26 June 2000

Moved by W. Stewart

That the Planning and Environment Committee recommend that Council direct staff not to appeal the above noted zoning by-law amendment.

CARRIED as amended

Moved by W. Stewart

That Council be requested to waive the Rules of Procedure to consider this item at its meeting of 12 July 2000.

CARRIED