

Subject: Zoning By-Law Amendment – 2784 and 2786 Lancaster Road

File Number: ACS2023-PRE-PS-0009

Report to Planning Committee on 18 January 2023

and Council 25 January 2023

**Submitted on January 4, 2023 by Derrick Moodie, Director, Planning Services,
Planning, Real Estate and Economic Development**

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Ward: Alta Vista (18)

**Objet : Modification du Règlement de zonage – 2784 et 2786, chemin
Lancaster**

Dossier : ACS2023-PRE-PS-0009

Rapport au Comité de l'urbanisme

le 18 janvier 2023

et au Conseil le 25 janvier 2023

**Soumis le 4 janvier 2023 par Derrick Moodie, Directeur, Services de la
planification, Direction générale de la planification, des biens immobiliers et du
développement économique**

**Personne-ressource : Mélanie Gervais, Urbaniste III (i), Examen des demandes
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Quartier : Alta Vista (18)

REPORT RECOMMENDATIONS

- 1. That Planning and Housing Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 2784 and 2786 Lancaster Road, as shown in Document 1, to permit retail use, as detailed in Document 2 and 3.**

2. That Planning and Housing Committee approve the Consultation Details Section of this report be included as part of the ‘brief explanation’ in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, “Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* ‘Explanation Requirements’ at the City Council Meeting of 25 January 2023,” subject to submissions received between the publication of this report and the time of Council’s decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de la planification et du logement recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 pour le 2784 et le 2786, chemin Lancaster, comme indiqué dans le Document 1, afin de permettre la vente au détail, comme décrit dans les Documents 2 et 3.
2. Que le Comité de la planification et du logement approuve que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux ‘exigences d'explication’ aux termes de la Loi sur l’aménagement du territoire à la réunion du Conseil municipal prévue le 25 janvier 2023 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

2784 and 2786 Lancaster Road, Ottawa

Owner

Ambassador Realty Inc.

Applicant

FoTenn Planning + Design

Description of site and surroundings

The subject site is located at 2784 and 2786 Lancaster Road within Ward 18 (Alta Vista), specifically in the East Industrial Neighbourhood, northwest of the intersection of Walkley Road and Lancaster Road. The site is approximately 9,172 square metres and has approximately 155 metres of frontage along Lancaster Road. The site currently consists of two 1-storey commercial buildings. These buildings are located near the south of the site, while open space exists in the north. Surrounding land uses include residential to the west, mixed industrial and commercial to the east and north, and open space to the south across from Walkley Road.

Summary of requested Zoning By-law amendment proposal

The site is currently zoned Light Industrial, Exception 255, with a height restriction of 9.50 metres and associated to Schedule 108 ("IL [255] H(9.50) S108"). The general purpose of the IL zone is to permit a wide range of low impact light industrial uses, office and office-type uses, as well as a variety of complimentary uses such as recreational, service commercial to serve the employees and general public in the immediate vicinity.

The site subject to this application currently contains two one-storey buildings. Building one to the north (2784 Lancaster Road) currently contains a flower store, a restaurant and a religious institute. Building two (2786 Lancaster Road) to the south of building one contains a restaurant and a vacant unit that used to be a Vape Shop.

A Minor Zoning By-law amendment application was submitted to permit the use of "retail store" in the two existing one-storey buildings while also limiting the size of the retail store use. This permission will allow the applicant to add a cannabis store in building two and legalize the existing flower store in building one. There are no changes to the building envelope, site layout, parking, site engineering, or landscaping being proposed.

DISCUSSION

Public consultation

Notice of the application was circulated to property owners within 120 meters from the subject property. The public's comments are summarized below.

Concerns with additional traffic and noise, littering, business hours, the cannabis store uses and the patrons it will attract. Neighbouring residential property owners currently have issues with Tim Horton's customers, illegal behaviors in the landscape berm at the rear, trespassers jumping the fence into residential rear yards which they indicate will worsen with the retail use.

For this proposal's consultation details, see Document 3 of this report.

Official Plan designation(s)

The site is located within the Outer Urban Transect, which comprises neighbourhoods inside the Greenbelt built in the last third of the twentieth century. The neighbourhoods represent the classic suburban model and are characterized by the separation of land uses, standalone buildings, generous setbacks and low-rise building forms.

The site is also designated Mixed Industrial in the Official Plan. This designation promotes clusters of economic activity that are less impactful and provide a broader range of non-residential uses than Industrial areas. Policy 6.5.3 specifies that where Mixed Industrial areas interface with neighbourhoods, certain land uses may be permitted in support of the objective of establishing 15-minute neighbourhoods. As per Policy 1, permitted services are those that are of a scale that cater to a local neighbourhood clientele and to the employees working on lands designated Mixed Industrial. This includes small-scale grocery stores, recreational, health and fitness uses, and service commercial uses (e.g. convenience retail, doctor and dentist office, coffee shop, restaurant). These service commercial uses shall be located along the edge of the Mixed Industrial area abutting residential neighbourhoods.

Other applicable policies and guidelines

The lands are not subject to any Secondary Plans or Community Design Plans.

Planning rationale

The proposed small-floorplate retail unit (cannabis store) and the existing small local-area oriented retail unit (flower shop) are in keeping with the intent of the policies of the new Official Plan. The policies are supportive of small-scale, ancillary retail uses that are comparable to the example uses as listed in the policy. The proposal maintains the intent that such uses are compatible with industrial uses and office uses within the broader policy area, cater to immediate-area users in terms of services and goods offered and is not intended to provide for larger "destination" type retail that draws primarily from and cater to outside the immediate area.

Limiting the floor area as follows will ensure that these retail uses remain small-scale and ancillary to the immediate-area users:

- limiting the total cumulative floor area for retail uses to the current gross floor area of the existing buildings (651 square meters), and
- limiting each individual retail occupancy to a maximum of 150 square metres.

Additionally, a "cannabis store" proposed in a retail plaza is not a "cannabis production facility" and is therefore considered a "retail store" in the City's Zoning By-law. The Cannabis License Act doesn't allow municipalities to distinguish cannabis retail from any other type of retail store and any locational restrictions are reviewed through licensing.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR(S)

The Councillor is aware of the application related to this report and does not have any comments.

ADVISORY COMMITTEE(S) COMMENTS

Not applicable.

LEGAL IMPLICATIONS

There are no legal impediments to approving the recommendations contained in the report.

RISK MANAGEMENT IMPLICATIONS

There are no risk implications associated with this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no accessibility impacts associated with this report. This development will be required to meet the accessibility criteria contained within the Ontario Building Code.

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-21-0161) was processed by the "On Time Decision Date" established for the processing of Zoning By-law amendment applications.

SUPPORTING DOCUMENTATION

Document 1 Location Map/Zoning Key Plan

Document 2 Details of Recommended Zoning

Document 3 Schedule 108

Document 4 Consultation Details

CONCLUSION

The Planning, Real Estate and Economic Development Department supports the proposed Zoning By-law amendment to amend exception 255 and Schedule 108 to permit limited retail use as per Documents 2 and 3. The application is consistent with the Provincial Policy Statement and the new Official Plan.

DISPOSITION

Office of the City Clerk, Council and Committee Services to notify the owner; applicant; Ottawa Scene Canada Signs, 13-1920 Merivale Road, Ottawa, ON K2G 1E8; Krista O'Brien, Program Manager, Tax Billing & Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

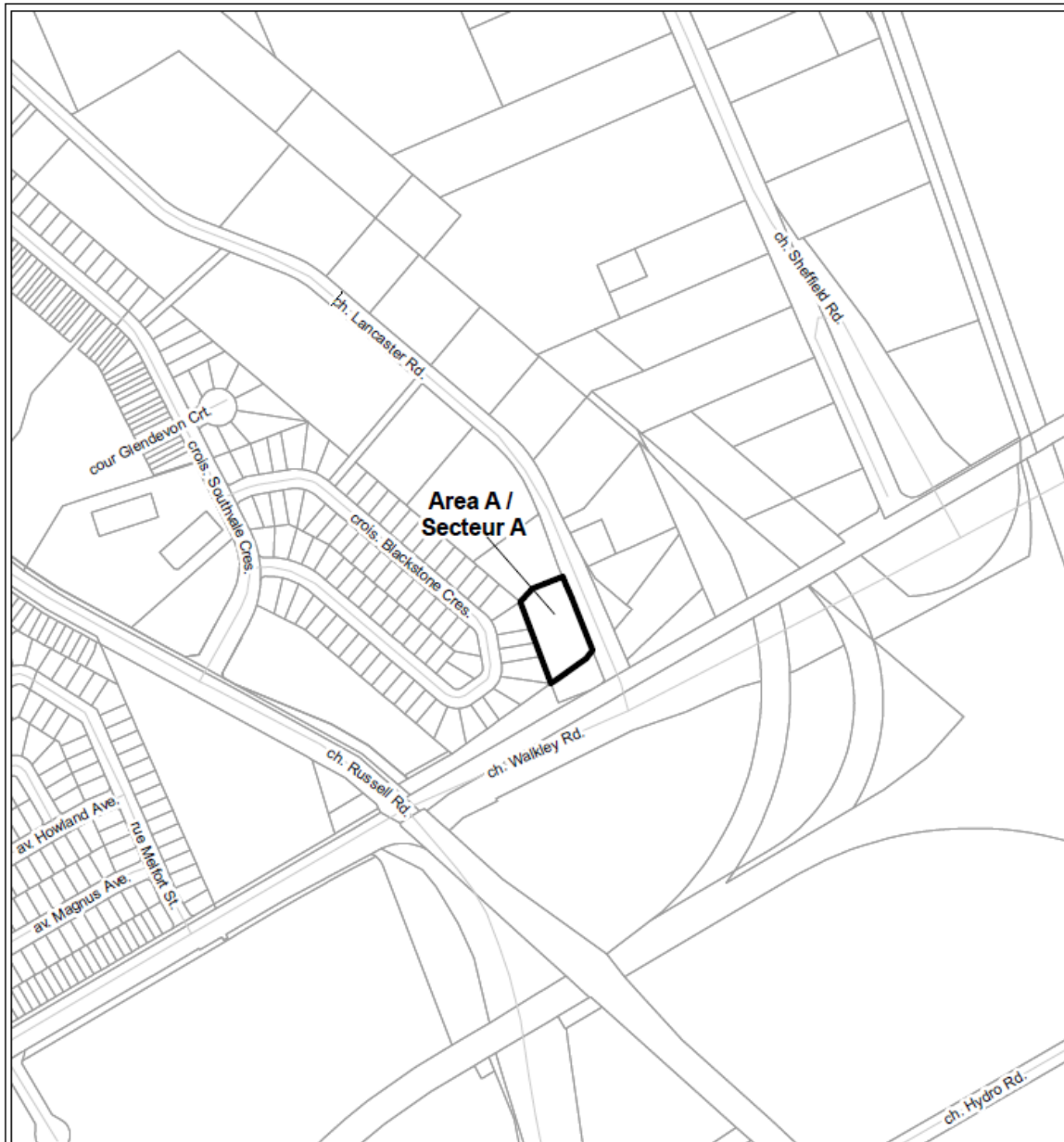
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.




Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations, Planning Services to undertake the statutory notification.

Document 1 – Location Map

For an interactive Zoning map of Ottawa visit geoOttawa



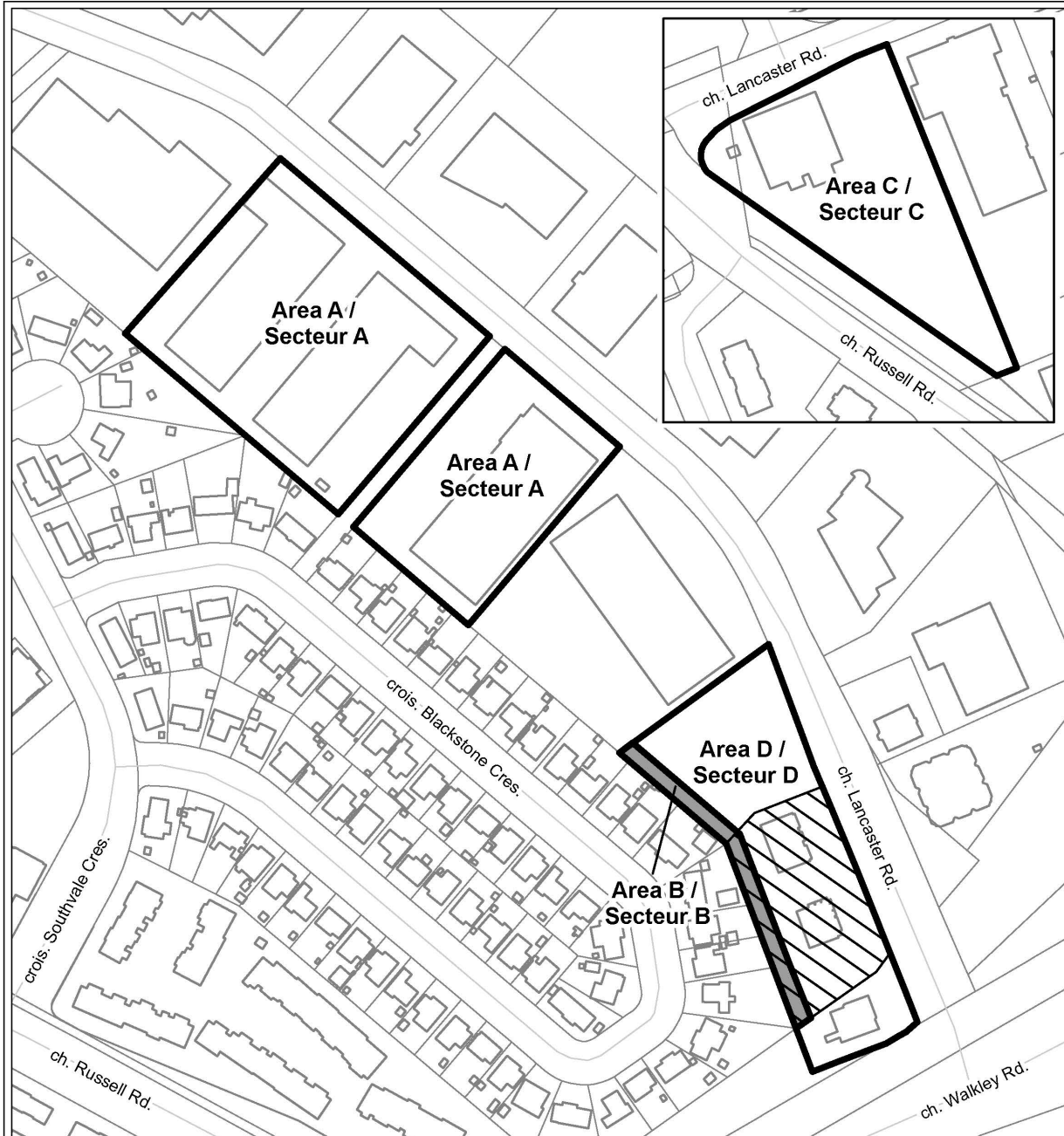
		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-21-0181	22-1171-X		2784, 2786 chemin Lancaster Road
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Area A subject to Zoning By-law Amendment Secteur A sous réserve de modification du Règlement de zonage			
REVISION / RÉVISION - 2022 / 12 / 07			

Document 2 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law No. 2008-250 for 2784 and 2786 Lancaster Road:

1. Amend Part 17, Schedules, by replacing Schedule 108 with an amended Schedule 108 as shown in Document 3.
2. Amend exception 255 in Section 239 – Urban Exceptions with provision similar in effect to the following:
 - a. In Column V, add the text:
 - Hatched area on Schedule 108 permits the retail store use subject to the following restrictions:
 1. The total cumulative floor area for retail uses may not exceed 651 square meters; and
 2. Each individual retail store occupancy may not exceed a gross floor area of 150m².

Document 3 – Schedule 108



		<p>This is Schedule 108 to Zoning By-law No. 2008-250 Annexe 108 au Règlement de zonage n° 2008-250</p>	
D02-02-21-0161	22-1171-X		
M:\Zoning_Bylaw\Schedules			
<small>©Parcel data is owned by Terranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY</small>		Area where retail store is permitted Zone où un magasin de détail constitue une utilisation autorisée	
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Document 4 – Consultation Details

Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Zoning By-law amendments. Notification was sent by mail to residents within 120 metres and signs were posted on the property.

Public Comments and Responses

Comment:

Concerns with additional traffic and noise, littering, business hours, the cannabis store uses and the patrons it will attract.

Response:

Limiting the retail use to 150 sq. m. per individual retail occupancy ensures that these are small-scale local retail uses and not “destination” retail uses. The impact of the new retail stores to be located within the existing building will be similar to the current uses. Additionally, the Cannabis License Act does not allow municipalities to distinguish cannabis retail from any other type of retail store.

Comment:

Neighbouring residential property owner currently have issues with Tim Horton’s customers, noise from the order board, coffee cups thrown over the fence and customers sitting in the vehicle late at night listening to loud music.

Response

Unfortunately, the existing Tim Horton’s is not subject to this application. Additionally, fencing, landscaping and order board location are items that can be reviewed through a Site Plan Control application. This Zoning By-law Amendment application does not trigger the requirement for a Site Plan Control application since the owners are only proposing interior fit-ups (no changes to the exterior of the site).

Comment:

Neighbouring residential property owners currently have issues with illegal behaviors within the landscape berm at the rear, trespassers jumping the fence into residential rear yards and stealing belongings which they indicate will worsen with the retail use.

Response

The issues with the landscape berm and trespassing are a By-law Services and Police issue. Planning Services will advise By-law Services of these issues. Additionally, retail use has similar amount of traffic than the uses currently permitted (ex. car wash, convenience store, drive-through facility, personal service business, restaurant, etc).