

October 23, 2023

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Committee of Adjustment
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Comité de dérogation

Attention: Michel Bellemare, Secretary Treasurer

Reference: 40 Frank Nighbor Place - Kanata Courtyard by Marriott
Application for Minor Variance
City File No.: D07-12-23-0061
Our File No.: 123002

Novatech has been retained by the owner of the property municipally known as 40 Frank Nighbor Place (herein referred to as the 'Subject Site') to prepare and file a *Minor Variance* application. The *Minor Variance* application is required to permit a reduced front yard setback and reduced parking for the proposed development of a hotel and restaurant on the Subject Site.

The following letter describes the existing conditions of the site, the proposed application, and the rationale in support of the application.

Existing Conditions

The Subject Site is located within Ward 23 - Kanata South of the City of Ottawa on the southwest end of Frank Nighbor Place. The Subject Site is an irregular interior lot with approximately 69.67 metres of frontage on Frank Nighbor Place and an area of 8,127 square metres (0.81 hectares).

The legal description of the property is:

PART OF BLOCK 2 PLAN 4M1012, PART 1 PLAN 4R30745 TOGETHER WITH AN EASEMENT OVER PART OF BLOCK 2 PLAN 4M1012, PARTS 2, 3, 5, 8, 11 AND 13 PLAN 4R30745 AS IN OC1955094 CITY OF OTTAWA

A *Site Plan Control* (City File No. D07-12-23-0061) application is currently being reviewed by the City for the Subject Site. The proposed development is for a 6-storey 115-room hotel with approximately 750 square metres of restaurant space. The restaurant will function as an ancillary use to the hotel which is the primary principal use and is intended to serve hotel guests during their stay as well as employees of the surrounding business park. The Site Plan prepared by Saplys Architects Inc. dated October 12, 2023 proposes a 160 parking spaces and a front yard setback of 3.0 metres.

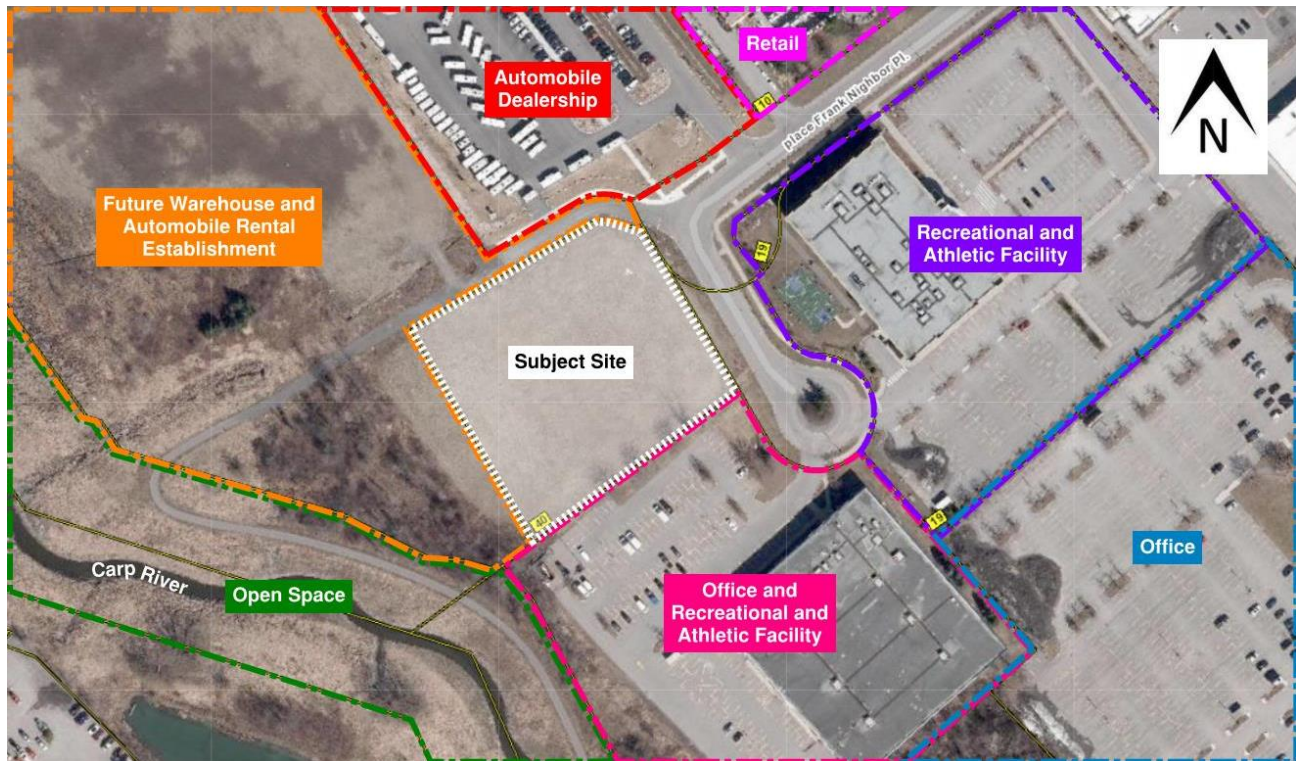


Figure 1: Subject Site (GeoOttawa, 2019).

The Subject Site is currently vacant, as shown in Figure 1. Surrounding uses include:

- To the north, a future U-Haul Self-Storage and Truck Rental location (*City File No. D07-12-22-0088*), Camp Mart (a recreational vehicle dealership), and Home Depot. Further north is Highway 417 and the Kanata Centrum.
- To the west, Movati Athletic facility, and a large surface parking lot. Further west, a retail plaza that includes spa, salon, physiotherapy, medical, small-scale brewing, and restaurant uses.
- To the south, a large office and warehouse building containing Xtreme Trampoline Park and a non-profit organization. Further south is Palladium Drive.
- To the east, a multi-use pathway and the Carp River Municipal Drain. Further east are several office buildings and the Canadian Tire Centre.

Requested Minor Variances

The first requested variance relates to the minimum number of required parking spaces to be provided for the proposed development in accordance with *Zoning By-law 2008-250*. As per *Section 101(1)* of the *Zoning By-law 2008-250*, off-street motor vehicle parking must be provided at the rates set out in *Table 101*. The minimum required parking spaces for the proposed uses are to be calculated for *Area C* on *Schedule 1A* of *Zoning By-law 2008-250* are summarized below:

- N44) 1 per guest unit for Hotel (excluding restaurant which is calculated as per restaurant requirement)
- N74) 10 per 100 m² of gross floor area for restaurant.

The second requested variance relates to the minimum required front yard setback. As per *Section 204 Subsection 6(d) of Zoning By-law 2008-250*, the minimum front yard setback is 12.0 metres in the *Light Industrial Zone, Subzone 6 – IL6*.

Therefore, the following variances are required to facilitate the proposed development:

- a) To permit a reduced total number of parking spaces (160), whereas the by-law requires a minimum of 190 parking spaces for the proposed uses (*Section 101, Subsection 1 of Zoning by-law 2008-250*).
- b) To permit a minimum front yard setback of 3.0 metres, whereas the by-law requires a minimum front yard setback of 12 metres (*Section 204, Subsection 6, Provision d of Zoning By-law 2008-250*).

Rationale – Minor Variance

The requested variances meet the four tests for minor variance under *Section 45(1) of the Planning Act*.

The first test for minor variance is that the general intent and purpose of the *Official Plan* is maintained.

The Subject Site is designated as *Mixed Industrial on Schedule B5 – Suburban Transect (West) of the Official Plan (2022)*. The intent of the *Mixed Industrial* designation in the *Suburban Transect* is to provide a supply of land for a broad mix of non-residential uses that would otherwise not be permitted on lands designated as *Industrial and Logistics*.

The proposed minor variance facilitates a reduction to the minimum number of required parking spaces and reduction to the front yard setback to permit the development of a non-residential use that is complementary as well as compatible with the surrounding business park.

The proposed 160 parking spaces as designed for the proposed development will adequately address the operational requirements for the hotel and restaurant uses.

A reduced front yard setback is required to achieve the proposed development as designed. A reduction to the required front yard setback will create an enhanced public realm and streetscape by orienting the proposed building closer towards Frank Nighbor Place. City Urban Design Staff expressed support for the front yard setback and the location of the proposed building during the initial pre-consult meeting for the Site Plan application on November 16, 2022. The orientation of the building closer to the street frontage will also allow for screening of the surface parking areas in accordance with the policies of the *Official Plan*. The reduced front yard setback will not impact neighbouring properties.

The proposed minor variances will allow for the construction of a compatible, complementary, and appropriate use on the Subject Site which conforms with the policies of the *Official Plan (2022)* and the *Provincial Policy Statement (2020)*.

The minor variance meets the general intent and purpose of the *Official Plan*.

The second test for minor variance is that the general intent and purpose of the *Zoning By-law* is maintained.

The Subject Site is zoned *IL6 [1414] H(30) -h* in the *City of Ottawa Zoning By-law 2008-250*. The purpose of the *Light Industrial Zone – IL* is to (emphasized sections underlined by Novatech):

1. permit a wide range of low impact light industrial uses, as well as office and office-type uses in a campus-like industrial park setting, in accordance with the Employment Area designation of the Official Plan or, the General Urban Area designation where applicable;
2. allow in certain Employment Areas or General Urban Areas, a variety of complementary uses such as recreational, health and fitness uses and service commercial (e.g. convenience store, personal service business, restaurant, automobile service station and gas bar), occupying small sites on individual pads or in groupings as part of a small plaza, to serve the employees of the Employment or General Urban Area, the general public in the immediate vicinity, and passing traffic;
3. prohibit retail uses in areas designated as Employment Area but allow limited sample and showroom space that is secondary and subordinate to the primary use of buildings for the manufacturing or warehousing of the product;
4. prohibit uses which are likely to generate noise, fumes, odours, or are hazardous or obnoxious; and
5. provide development standards that would ensure compatibility between uses and would minimize the negative impact of the uses on adjacent non-industrial areas.

The *Light Industrial, Subzone 6 – IL6* is specific to the area south of Highway 417 and west of Terry Fox Drive. The *Exception 1414* and the *IL6 Subzone* permit hotel and restaurant uses on the Subject Site. The other provisions of *Exception 1414* do not apply to the proposed development.

The *IL6 subzone* requires a 12.0 metre front yard setback. The general intent and purpose of the front yard setback provision in a suburban context is to ensure that new development is consistent with the built form of the suburban neighbourhood. The proposed 3.0 metre front yard setback will maintain the suburban character of the surrounding business park. The reduced front yard setback will create an enhanced public realm and streetscape by orienting the proposed building closer towards Frank Nighbor Place. The orientation of the building closer to the street frontage will also allow for screening of the surface parking areas.

Section 101 of the *Zoning By-law 2008-250* provides minimum required parking rates for land uses. The general intent and purpose of minimum parking rates is to ensure that sufficient parking is provided for the proposed uses. The proposed 160 parking spaces as designed for the proposed development will adequately address the operational requirements for the hotel and restaurant uses. The proposed development does not include conference facilities which would require additional parking spaces.

Given the proposed development of a combined hotel and restaurant, providing the required number of parking spaces in accordance with the provisions of *Zoning By-law 2008-250* would result in parking that would be underutilized.

The zoning that applies to the Subject Site contains area-specific provisions for a broad range of commercial and light industrial uses. The hotel and restaurant has been designed to comply with all

other applicable zoning provisions related to the building envelope. The proposed variances facilitate the development of permitted uses that maintain the suburban character of the business park area and comply with the general intent and purpose of the *Zoning By-law 2008-250*.

The minor variance meets the general intent and purpose of the *Zoning By-law 2008-250*.

The third test for minor variance is that the minor variance is considered desirable for the appropriate development or use of land.

The proposed minor variances are considered desirable as they will enable the construction of a hotel and restaurant on the Subject Site to further broaden the land uses within the surrounding community and business park. The reduction in the front yard setback to the Subject Site facilitates the construction of a hotel while creating an enhanced public realm and streetscape by orienting the proposed building closer towards Frank Nighbor Place soft landscaping.

The efficient use of land, compact development, and climate change are fundamental policies of the 2020 Provincial Policy Statement. The proposed reduced parking rate will consume less land for parking that could otherwise be developed. The additional parking required by the Zoning By-law would increase the amount of paved area and thereby increase surface water run-off and the heat island effect for no benefit.

The minor variance is considered desirable for the appropriate development or use of land.

The fourth test for minor variance is that the variance is considered minor in nature.

The front yard setback of the Subject Site is considered minor, as the reduction in the front yard setback of the lot has no impact on the streetscape from Frank Nighbor Place. The proposed setback is generally consistent with the front and corner side yard setback of the Movati athletic facility to the east. The reduction in the front yard setback has no negative impact on the suburban character of the business park area and City Staff have expressed support for the location of the proposed building.

The proposed minimum required parking spaces for the proposed development supports a Site Plan that will adequately address the operational requirements for the hotel and restaurant uses. The reduction in minimum required parking spaces for the Subject Site is considered minor, as the anticipated operational requirements of the proposed development require fewer parking spaces than what is required in the Zoning By-law given the proposed development of a combined hotel and restaurant.

The minor variance is considered minor in nature.

Conclusion

The proposed minor variances maintain the general intent and purpose of the *City of Ottawa Official Plan* and *Zoning By-law 2008-250*. The requested variances are considered desirable for the use of the land and are minor in nature. The proposed minor variances represent good land use planning.

Please find the following documents and plans attached in support of the application for minor variances:

- One copy of this cover letter;
- One completed signed Application Form;
- Cheque for Municipal Application fees; and
- Site Plan prepared by Saplys Architects Inc. dated October 12, 2023 (one 8½x11 and one full size).
- Plan of Survey (one 8½x11 and one full size).

Should you have any questions regarding these applications, please do not hesitate to contact us.

Yours truly,

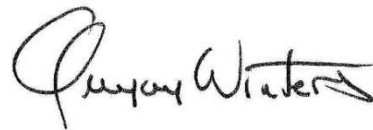
NOVATECH

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