

FOTENN

737 SILVER SEVEN ROAD/15 FRANK NIGHBOR PLACE



April 13, 2017

Planning Rationale

Zoning By-law
Amendment



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1.0 INTRODUCTION

Fotenn Consultants Inc., acting as agents for Ronen Management Services Inc., is pleased to submit the enclosed Zoning By-law Amendment application for the lands municipally known as 737 Silver Seven Road and 15 Frank Nighbor Place in the Kanata South community of the City of Ottawa.

1.1 Application History

The subject lands form part of the Terry Fox Business Park and the second phase of a development that initially included the development of the Movati Athletic Club located west of the subject site. These lands were previously severed from the subject lands. In June 2016, a Site Plan Control application (D07-12-14-0147) was completed and includes a four (4) building complex including two (2) commercial buildings, an industrial building and an office/medical building. The first of the two (2) commercial buildings is nearing completion while footings for the second commercial building have been installed.

2.0 SURROUNDING AREA AND SITE CONTEXT

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The subject property is located at the southwest corner of the intersection of Frank Nighbor Place and Silver Seven Road in the Kanata neighbourhood of Ottawa (Figure 1). The property has approximately 157 metres of frontage along Frank Nighbor Place and approximately 164 metres of frontage along Silver Seven, with a total area of approximately 28,215 square metres. The property is currently under construction with the first of four building nearly completed.

The subject property is located within a unique context for business parks in the city. The area includes both a range of traditional employment uses and large-scale, large-format retail uses. The site is bordered by a Home Depot to the north, a Costco to the east, a five (5) storey office building is located to the south while the Movati Athletic Club is located to the of the site (Figure 1).

Although designated Employment Area, the area functions as a destination retail node. The intensity of retail uses is permitted by both the Official Plan policies and area-specific zoning provisions.

The subject property is located in close proximity to Terry Fox Drive and Highway 417 an arterial roadway and provincial highway, respectively. Access to these roads are provided via Palladium drive, also an Arterial, which is located approximately 250 m south of the site.

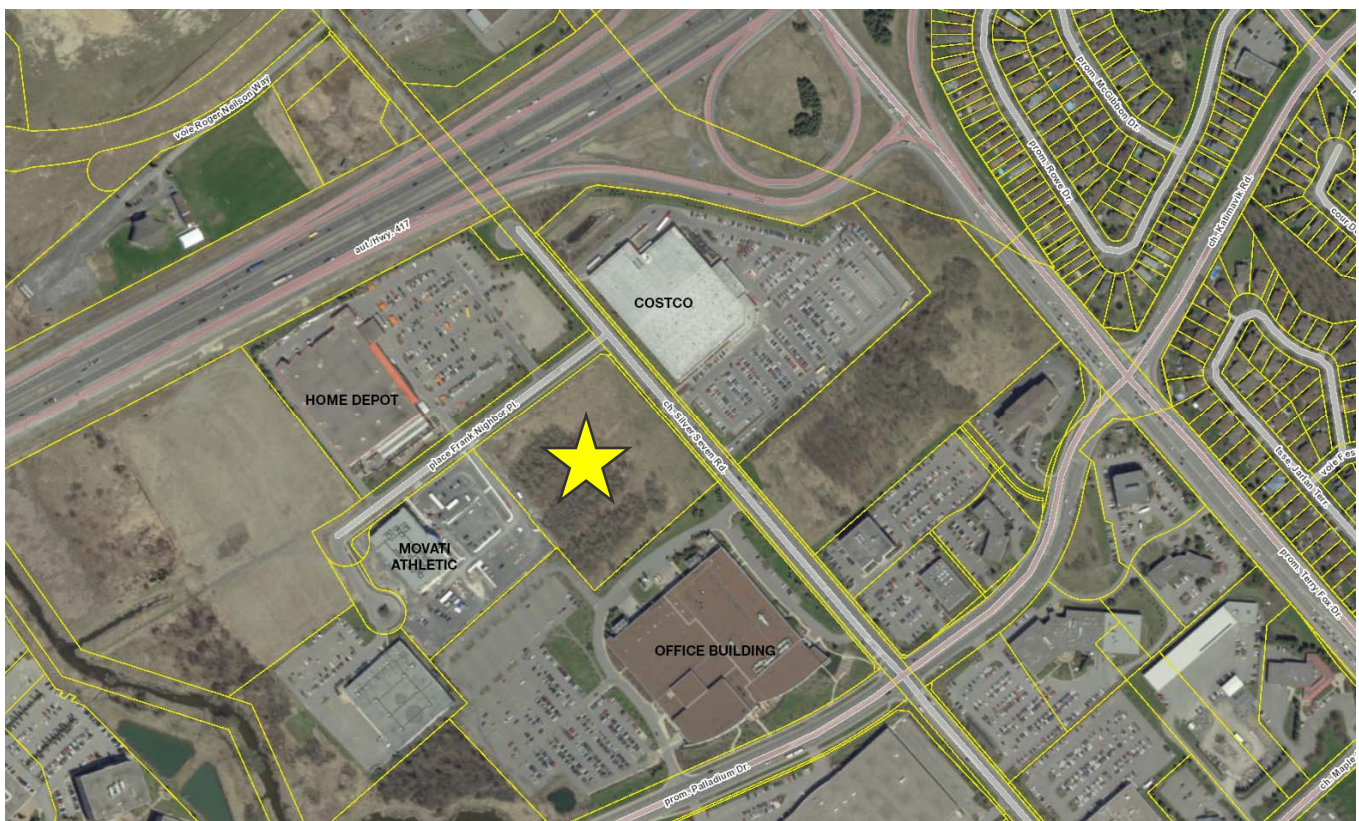


Figure 1 – Site Context

3.0 DEVELOPMENT PROPOSAL

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As noted, the site is currently under construction with the first of four (4) buildings nearing completion. Upon full build-out the site will contain one (1) single-storey commercial building with a Gross Floor Area (GFA) of 1,861 m², another single-storey commercial building with a total GFA of 1,911 m², a two (2) –storey industrial building with a total GFA of 2,963 m², and finally a four (4) – storey medical and office building with a GFA of 4,792 m². The site will also contain a total of 341 surface parking spaces to serve the future buildings. The units within the buildings will be condominiumized for individual ownership.

The present application seeks to permit additional uses on the site, to supplement the existing and future employment uses in the area, but to also recognize the synergy between smaller commercial tenants and the existing large-format retail and the commercial uses (recreational and athletic facility). The details of this request will be outlined later within the Zoning By-law section of this report.

POLICY & REGULATORY FRAMEWORK

4.1 Provincial Policy Statement

The 2014 Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act, provides direction on matters of provincial interest related to land use planning and development. The Planning Act requires that decisions affecting planning matters be consistent with policy statements issued under the Act.

The PPS promotes the development of strong communities, which rely on the establishment of efficient land use and development patterns and the accommodation of an appropriate range and mix of uses.

The proposed development meets the applicable policies of the PPS, including:

- / Promotes the efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.
- / Accommodates an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;
- / Promotes cost-effective development patterns and standards to minimize land consumption and servicing costs;
- / Proposing development in a settlement area, which is the focus of growth and development;
- / Providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- / Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take in account the needs of existing and future businesses; and
- / Encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

4.2 City of Ottawa Official Plan (2003, as amended)

The City of Ottawa Official Plan provides a vision of Ottawa's future growth and a policy framework to guide its physical development to the year 2031. Additionally, the Plan addresses matters of provincial interest, as defined by the Provincial Policy Statement, and serves as a basis for a wide range of municipal activities.

The subject property is designated Employment Area on Official Plan Schedule B (Urban Policy Plan) (Figure 2). Areas under this designation are envisioned as areas reserved primarily for places of business and economic activity. Uses that support this function consist of predominantly offices, manufacturing, warehousing, distribution, research and development facilities and utilities. Further, complementary uses, such as service commercial, are considered appropriate within this designation to meet the day-to-day needs of employees and residents and reduce their need to travel outside the area.

Policy 2 of the Employment Area designation establishes the list of uses that are generally supported within these designated areas including:

- / Industrial and employment-generating uses, such as warehousing and distribution, manufacturing, communications, storage, construction, office, institutional, and research and development use;
- / A *variety of ancillary uses*, such as recreational, health and fitness uses, child care, and *service commercial uses consisting of small occupancies within a building containing a permitted use, among other scenarios*; and
- / *In the area located south of Highway 417, west of Terry Fox Drive, east of the Carp River and north of Palladium Drive, save and except for property with any frontage on Palladium Drive, and provided that adequate road capacity is available, retail uses.*

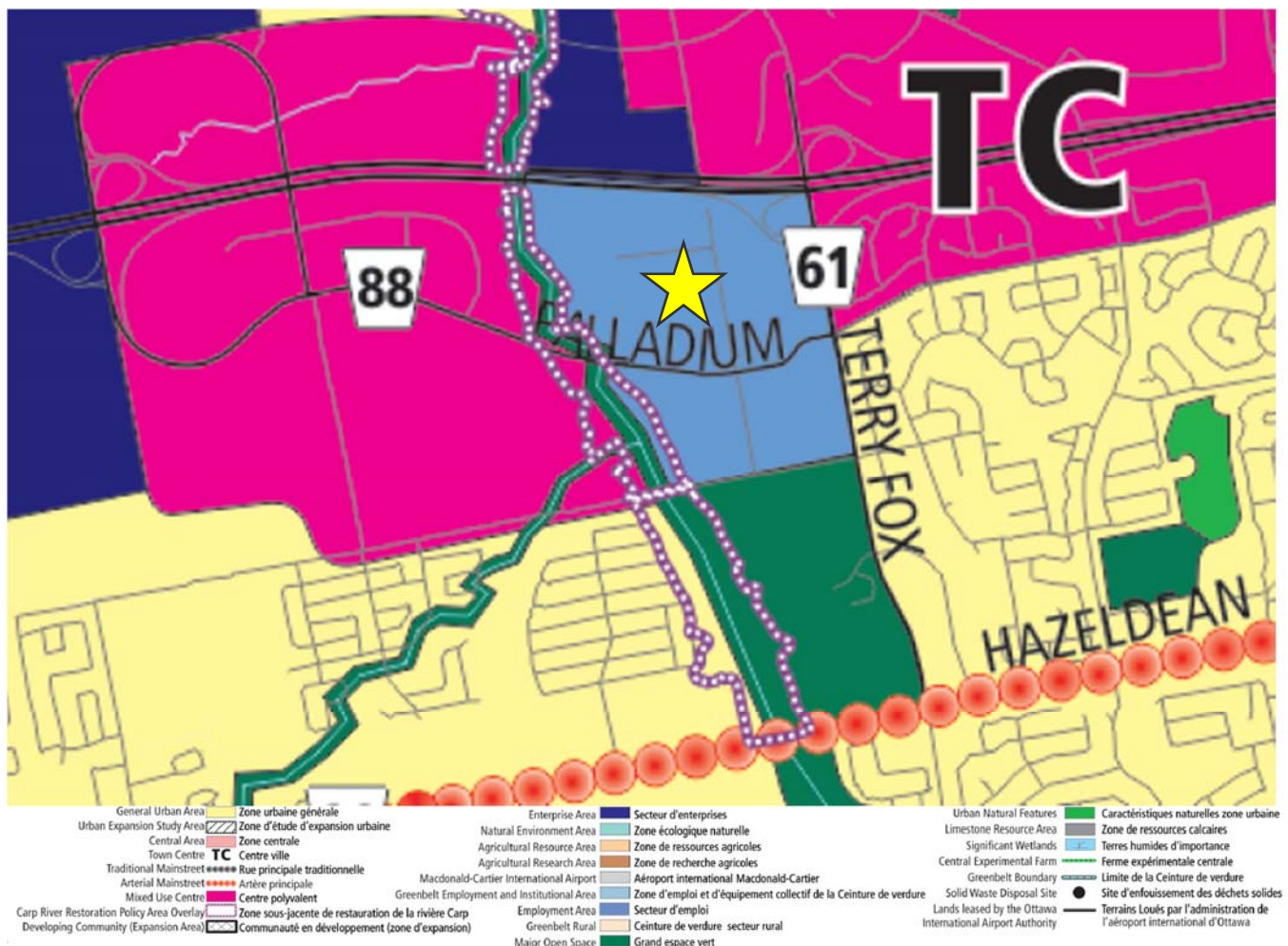


Figure 2 – Schedule B – Land Use Designation

The proposed additional range of commercial uses are consistent with the policies of the Official Plan designation and in particular policies permitting retail on the subject site.

The area specific policies of the OP recognize the unique character of the business park, and the appropriateness of a broader range of commercial, service and retail uses.

4.3 City of Ottawa Official Plan Amendment (OPA) 150

In 2013, the City of Ottawa updated its Official Plan, resulting in numerous changes to its land use policies. The Ministry of Municipal Affairs and Housing issued approval of Official Plan Amendment (OPA) 150 in April 2014, but the Amendment is currently under appeal before the Ontario Municipal Board (OMB). Until the OMB renders its decision, the current policies of the City of Ottawa Official Plan (2003, as amended) remain in full force and effect.

Revisions to Section 3.6.5 establishing policies for Employment Areas Mainstreets do not affect the proposed development, as any revised policies generally address concerns of height for new development and areas designated Enterprise Areas, both of which do not apply to this application as the buildings to be constructed have already been approved and this site, as noted, is designated Employment Area.

The amendments made to Official Plan 150 do not affect the proposed development and therefore, the proposal continues to maintain the policies of the Official Plan and OPA 150.

4.4 Official Plan Amendment (OPA) 180

Official Plan Amendment 180 (OPA) 180 formed part of the comprehensive review undertaken in 2013 leading to the adoption of OPA150. OPA 180 in part looked specifically at Employment Area needs of the City of Ottawa and was officially adopted by Ottawa City Council on January 25th, 2017.

OPA180 resulted in the conversion of excess urban employment lands to non-employment designation, the re-designation of Enterprise Areas, a new Rural Employment Area designation as well as amended policies and land use permissions within the Urban Employment Designation. The subject site remains designated Employment Area under OPA180 however with relevant policy changes including the following:

- / The Urban Employment Areas will continue to permit traditional industrial uses such as manufacturing, warehousing, distribution, storage, communications, construction;
- / Permit office uses and similar uses at similar densities, including, research & development and emergency services;
- / *A variety of ancillary uses will continue to be permitted within the Urban Employment Area. The Zoning By-law shall establish an individual occupancy and a cumulative total gross floor area limit for ancillary uses. Amendments to either the individual or cumulative limits shall assess whether the use with the proposed floor space is ancillary to the subject Urban Employment Area;* and
- / Low density institutional uses such as community centre, daycares, and places of worship will be considered through Zoning By-law Amendments, if the proposed use is compatible with existing and potential permitted uses.

The proposed changes outlines in OPA180 largely do not affect the present application. OPA 180 does now permit low density institutional uses, including places of worship and maintains the permission of retail uses on the subject site. Therefore, the current proposal continues to meet the policies of the OP, OPA 150 and OPA 180.

4.5 City of Ottawa Zoning By-law (2008-250)

The subject lands are currently zoned Light Industrial Subzone 6 with Exception 1535 with a height limit of 30m and a holding zone (IL6[1535] H(30)-h) (Figure 3). The purpose of the IL zone is 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 and to allow a variety of complementary uses such as recreational, health and fitness uses and service commercial uses. The IL zone seeks to prohibit retail uses 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.

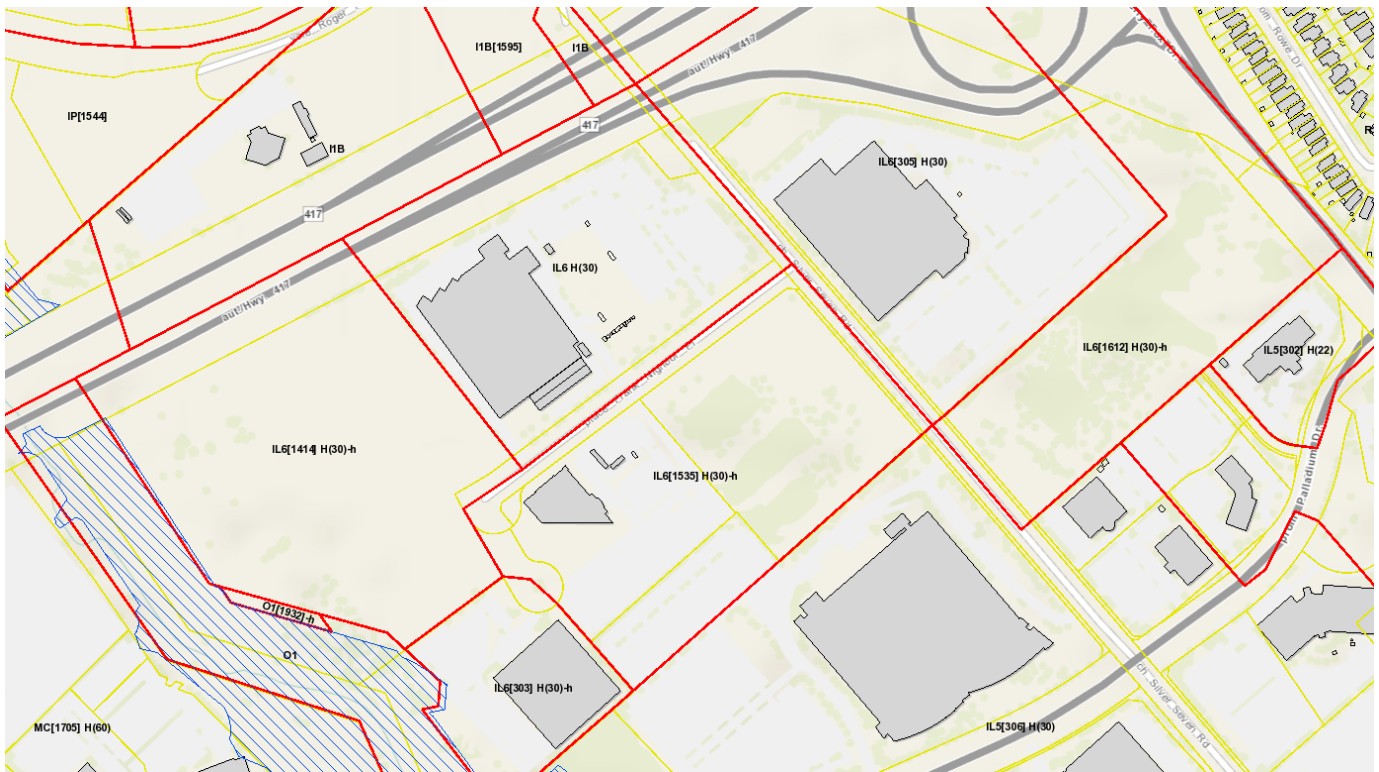


Figure 3 – Zoning Map

The list of permitted uses within the IL6 zone are as follows:

- | | |
|---|-----------------------------------|
| / Automobile rental establishment | / Park |
| / Broadcasting studio | / Place of assembly |
| / Day care | / Post office |
| / Drive-through facility | / Printing plant |
| / Emergency service | / Production studio |
| / Heavy equipment and vehicle sales, rental and servicing | / Research and development centre |
| / Light industrial uses | / Service and repair shop |
| / Medical facility | / Technology industry |
| / Municipal service centre | / Training centre |
| / Office | / Truck transport terminal |
| | / Warehouse |

There are also a variety of uses that are conditionally permitted under the conditions that the following uses do not exceed a cumulative GFA for these uses do not exceed 2,999 m² and where each use does not exceed 300 m²:

- / Automobile service station
- / Bank
- / Bank machine
- / Personal service business
- / Recreational and athletic facility (GFA limits do not apply to this use)
- / Restaurant (GFA limits do not apply to this use)

Subzone 6 lists a variety of prohibited uses which are normally permitted within the IL zone including:

- | | |
|-----------------------------|--------------------------|
| / Animal care establishment | / Convenience store |
| / Animal hospital | / Gas bar |
| / Amusement centre | / Instructional facility |
| / Amusement park | / Parking garage |
| / Automobile dealership | / Parking lot |
| / Car wash | / Small batch brewery |
| / Catering establishment | |

The subzone further permits the additional uses of Hotel and Retail store, however a Retail store is limited to the sales of appliances, furniture, floor covering, paint and wall coverings, doors, windows, building materials supplies, plumbing supplies, electrical supplies, heating and cooling supplies, kitchen and bathroom cabinets and fixtures, specialty tools, garden supplies and any products directly related to the foregoing.

The restrictions on area and the type of retail is not consistent with the policies and direction of the Official Plan and should be revised or removed. The restrictions are not in keeping with the existing large-format retail stores, and the opportunity for additional, smaller scale commercial and retail uses.

Exception 1535 and the holding zone relate to the requirement for market studies to ensure that new retail development does not negatively impact the Kanata Town Centre. It is Fotenn's opinion that the requirement for market studies are geared toward large scale retail development such as the Home Depot and Costco. The broader ranger of smaller commercial tenants would not undermine or compete with the Kanata Town Centre.

The Amendment request seeks to add the following uses as permitted on site:

- / **Animal Care Establishment**
- / **Animal Hospital**
- / **Amusement Centre**
- / **Catering Establishment**
- / **Convenience store**
- / **Instructional facility**
- / **Place of worship**
- / **Retail store (unconditional)**
- / **Retail food store**
- / **Small batch brewery**

The amendment would remove current restrictions on size and format of retail stores and other commercial uses.

The proposal seeks to add uses that are normally permitted within the Light Industrial zoning and are in keeping with the purpose of the IL zone, which seeks to permit "low impact light industrial uses". The various proposed uses have little to no negative external impacts and would integrate well within the existing industrial park. Although retail uses are not normally permitted within the IL zone, this specific site is identified as an exception area within the Official Plan policies to permit retail uses. This is evident from the unique context within which this site is found where there is a mix of office, light industrial and large format retail uses. Therefore, the proposed additional uses can all integrate well within the existing industrial park and are generally consistent with the OP policies and purpose of the Zoning by-law.

5.0 CONCLUSION

In considering the proposed application and applicable policy framework, it is our professional opinion that the proposed amendment represents good planning and is in the public interest for the following reasons:

CONSISTENT WITH THE PROVINCIAL POLICY STATEMENT

The proposed amendment is consistent with the Provincial Policy Statement which promotes the development of serviced, underutilized lands, and provides for a diversified economic base with compact, mixed-use development that incorporates compatible employment uses.

CONFORMS TO THE CITY OF OTTAWA OFFICIAL PLAN

The site is designated **Employment Area** in the Official Plan. The proposed development meets the policies of the Official Plan, the revised policies of the Official Plan Amendment 150 and Official Plan Amendment 180. The development meets the policies of providing a range of light industrial uses and other compatible uses such as service commercial, retail and place of worship uses. These uses support a diversified base to promote an attractive employment area.

MAINTAINS THE GENERAL INTENT OF THE ZONING BY-LAW

The site is Zoned IL6[1535] H(30)-h, which permits a range of light industrial uses but also prohibits a range of uses that are normally permitted within Light Industrial zones. Given the existing context of the Terry Fox Business Park, the policies of the Official Plan and the proposed amendment policies of the Official Plan, the proposed amendment meets the intent of the Zoning By-law to provide a range of low impact light industrial uses, as well as office and office-type uses in a campus-like industrial park setting and to allow a variety of complementary uses.

REPRESENTS GOOD PLANNING

Overall, the proposed amendment advances several key policy objectives at the Provincial and Municipal levels including providing a varied economic base within a well serviced area within the Urban Boundary. The proposed amendment further promotes a variety of compatible uses which provide the opportunity to create an attractive business park where the needs of future users can be easily met, whether those needs are employment based, recreational, or retail.



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