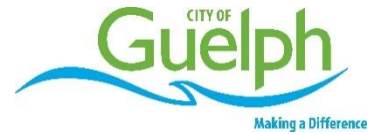


Committee of Adjustment Comments from Staff, Public and Agencies



Application Details

Application Number: A-10/20
Location: 739 Woolwich Street
Hearing Date: June 11, 2020
(deferred from the March 12, 2020 hearing)
Owner: 2448254 Ontario Inc.
Agent: Drew Gillingham, 536357 Ontario Inc.
Official Plan Designation: Mixed-Use Corridor
Zoning: Specialized Service Commercial (SC.1-6) Zone

Request: The applicant is seeking relief from the By-Law requirements to permit retail sale of cannabis and related supplies as an additional permitted use on the subject property.

By-Law Requirements: The By-Law permits a variety of uses in the SC.1-6 Zone, but does not permit retail sale of cannabis and related supplies.

Staff Recommendation

Approval with Condition

Recommended Condition

Planning Services

1. That the variance be approved to permit a Retail use on the property.
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Comments

Planning Services

At the time the application was submitted, the subject property was designated "Service Commercial" in the City's Official Plan. The Service Commercial land use designation permits some retail uses. By way of Official Plan Amendment 69, which was approved by Council on January 30, 2020, the subject lands are now designated as "Mixed-Use Corridor". The "Mixed-Use Corridor" land use designation is intended to serve both the needs of residents living and working on-site, in nearby neighbourhoods and employment districts and the wider city as a whole and permits a range of uses including commercial, retail and service uses. In Planning staff's opinion, the requested variance to permit the retail sale of cannabis and

related supplies meets the general intent and purpose of the Official Plan, including OPA 69.

The subject property is zoned "Specialized Service Commercial" (SC.1-6) according to Zoning By-law (1995)-14864, as amended and permits several uses that have a retail character including an artisan studio, bake shop, florist, hardware store, liquor store, personal service establishment, office supply and restaurant and take-out restaurant. Planning staff are currently undertaking the Comprehensive Zoning By-law Review (CZBR) project which includes ensuring the uses in the Zoning By-law align with the Official Plan. The direction of the CZBR discussion paper is to permit retail establishments in areas designated Mixed-use Corridor.

The proposed retail use within the existing building on the property is to permit the sale of cannabis and related supplies. The retail sale of cannabis is permitted within zones that permit a Retail use in the Zoning By-law. Council opted in to permit cannabis retail storefronts as of December 2018. Municipalities do not have the authority to pass bylaws pertaining to the business licensing or specialized zoning of cannabis retail stores. The government has regulated the Alcohol Gaming Commission of Ontario (AGCO) to approve retail storefront business licenses similar to the issuance of liquor licences. Upon the City's receipt of an application for a storefront licence, residents and municipalities have 15 days to provide written comments to the AGCO. While the AGCO is not bound to the comments received, they consider these comments before making a final decision to issue a licence.

City By-law staff been designated by Council to voice Councils concerns to the AGCO if a proposed location is within 150 metres of a sensitive location/concern zone that includes hospitals, mental health facilities, addiction centres, youth and social services, recreational centres, registered daycare centres, youth facilities, University lands, Shelldale, Libraries and the Community Health Centre. At this time, By-law staff have advised the applicant that the property meets the requirements to allow a cannabis store subject to the retail use being permitted, but that may change if any sensitive land uses in the area are established prior to licencing. Planning staff note that there is an active site plan application to facilitate the construction of a new office building located at 735-737 Woolwich Street.

The requested variance to permit a retail use on the property maintains the general intent and purpose of the Official Plan and Zoning By-law, is considered desirable for the appropriate development of the land and is considered to be minor in nature.

Planning staff recommend approval of the application subject to the above noted condition.

Engineering Services

Engineering has no concerns with the request of seeking relief from the By-law requirements to permit a retail sale of cannabis and related supplies as an additional permitted use on the subject property.

We agree with recommendations made by Planning and Building staff.

Building Services

This property is located in a Specialized Service Commercial (SC.1-6) Zone. The applicant is proposing to permit retail sale of cannabis and related supplies as an additional permitted use on the property. The By-law permits a variety of uses in the SC.1-6 Zone, but does not permit retail sale of cannabis and related supplies.

Building Services does not object to this application to permit the retail sale of cannabis and related supplies as an additional permitted use on the subject property.

Comments from the Public

Yes (See Attached)

Contact Information

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