

Our File/N/Réf. P.2.3.2.180
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DATE 24 November 1998

TO/DEST. Co-ordinator,
Planning and Environment Committee

FROM/EXP. Regional Solicitor (Acting)
Planning and Development Approvals Commissioner

SUBJECT/OBJET **ZONING BY-LAW APPEAL
TERRENCE JOHN WHITTY IN TRUST - PERKINS
RESTAURANT
BASELINE AND WOODROFFE ROAD**

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee recommend that Council support the rezoning sought by Terence Whitty of Tagr3 Management Ltd with respect to approximately 1.19 acres of vacant land being part Lot 35, Concession 2, Rideau Front, (Nepean) in the area of the intersections of Baseline and Woodroffe Roads.

BACKGROUND

At its meeting of 3 March 1998, Corporate Services and Economic Development Committee carried the following recommendation:

That Corporate Services and Economic Development Committee approve the lease of approximately 1.19 acres of vacant land being part of Lot 35, Concession 2, Rideau Front, Township of Nepean, to Terence John Whitty-In Trust at an annual rent of \$60,000, pursuant to an Offer to Lease that has been received, conditional on the Lessee obtaining the required zoning and all necessary approvals from the Cities of Ottawa and Nepean.

The purpose of the proposed lease is to permit the establishment of a Perkins Family Restaurant at this location. The period of the lease would be for an initial 20 year term with an option to renew for an additional 20 years. The parcel in question is shown on Annex A to this report and was acquired by the Region as part of the subdivision process for the CentrepoinTE area.

Subsequent to the conditional approval of the lease, Mr. Whitty applied for rezonings to permit the restaurant to Cities of Nepean and Ottawa, as the property straddles the boundary between the two area municipalities. Ottawa City Council approved its zoning by-law amendment on 18 November 1998. As at the time of the writing of this report, the appeal period for the Ottawa rezoning has not yet expired.

With respect to Nepean, the rezoning initially came before the Planning and Development Committee (a Committee of the whole of Council) of the City of Nepean on 7 July 1998. At that time, the matter was deferred in order to determine if a common development plan could be agreed upon between Perkins and the adjacent Shopper's City West. A meeting was held but it was not possible to arrive at a common development plan. The amendment was therefore rescheduled to come before the Planning and Development Committee on 8 September 1998.

Ultimately, the Planning and Development Committee, as well as Nepean Council, on 10 September 1998, refused to adopt the amendment. Concerns raised by the Nepean Council included the traffic that would be generated by the restaurant and the desirability of developing the proposed site in conjunction with any redevelopment of Shopper's City West. The refusal to enact the zoning by-law amendment has been appealed by Tagr3 Management Ltd. to the Ontario Municipal Board.

In their review of the proposed restaurant, Regional planning staff supported the application. A condition has been included in the offer to lease requiring the owners of the restaurant to co-operate with the adjacent property owners, as well as the Region. A transportation study has been received, which in the view of Regional staff adequately addresses the traffic issues. The restaurant will also promote economic activity in the area by providing approximately 150 new jobs.

Ultimately, the onus for satisfying the Ontario Municipal Board that the proposed development is appropriate rests, pursuant to the offer to lease, with Tagr3 Management Ltd. However, with the information provided to date, it is the opinion of Regional planning staff that this development is appropriate for the site and should be supported by the Region.

*Approved by E.A. Johnston,
Regional Solicitor (Acting)*

*Approved by N. Tunnacliffe,
Planning and Development Approvals Commissioner*

EAJ/NT/TCM

