

Our File/N/Réf. (23) 14-96.0013 & (23) 15-96.SD03
Your File/V/Réf.

DATE 25 November 1996

TO/DEST. Co-ordinator Planning and Environment Committee

FROM/EXP. Planning and Development Approvals Commissioner

SUBJECT/OBJET **LOCAL OFFICIAL PLAN AMENDMENT 5
CITY OF NEPEAN (CENTREPOINTE - TALLWOOD DR.) AND
MINTO DEVELOPMENTS INC.
DRAFT PLAN OF SUBDIVISION 06T-96003**

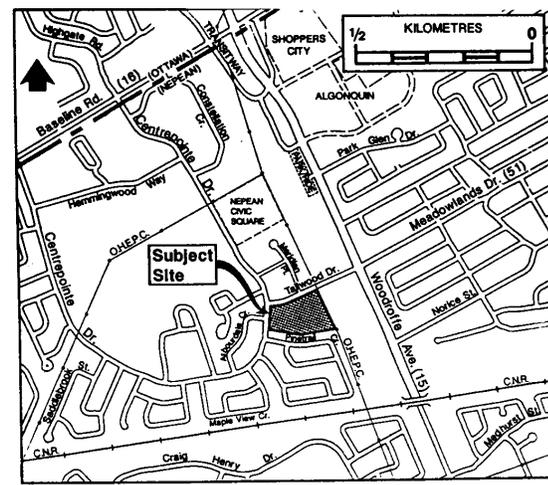
DEPARTMENTAL RECOMMENDATIONS

That Planning and Environment Committee recommend Council direct staff to give notice of its decision to:

- 1. approve Amendment No. 5 to the Official Plan of the City of Nepean subject to the modifications outlined in ANNEX 1- THE APPROVAL PAGE;**
- 2. refuse Minto Developments Inc.'s Draft Plan of Subdivision 06T-96003.**

BACKGROUND

The subject lands comprise approximately 2.4 ha (5.9 acres) of vacant land at the south-east corner of Centrepointe Dr. and Tallwood Dr. in the Centrepointe Community.



These lands are currently owned by Minto Developments Inc. (Minto) and the subject of Nepean's local Official Plan Amendment (LOPA) 5, Nepean's Zoning By-law Amendment (ZBLA) 71-96 and Minto's Draft Plan of Subdivision (Draft Plan) 06T-96003. The purpose of these planning applications is to permit a low density residential development on lands currently designated "Primary Employment Centre" in Nepean's Official Plan. The subject lands abut property that the Region purchased from the National Capital Commission (NCC) for the extension of the southwest transitway to serve the City of Nepean within and outside the Greenbelt (i.e., the South Urban Centre).

LOPA 5, ZBLA 71-96 and the Draft Plan are all being considered under the provisions of the Bill 163 version of the Planning Act. The transitional provisions of the new Planning Act (i.e., the Bill 20 version) requires Council to have regard to the policies of the new Provincial Policy Statement. However, because Minto's application for LOPA 5 was made prior to proclamation of the new Planning Act, the approval procedures are still governed by the old Planning Act (i.e., the Bill 163 version).

This report will address the issues involved with Nepean's LOPA 5 and Minto's Draft Plan 06T-96003. The issues associated with Nepean's ZBLA 71-96 are addressed in the Summary of Assigned Functions Report (SAFR) also contained in Planning and Environment Committee's (PEC) 10 Dec. 96 agenda.

LOCAL OFFICIAL PLAN AMENDMENT NO. 5

Nepean Council adopted LOPA 5 on 11 July 96. The purpose of Nepean's LOPA 5 is to redesignate the subject lands from "Primary Employment Centre" to "Residential" on Map Schedule 1, POLICY PLAN of the Nepean's Official Plan. The full text and Schedule A to LOPA 5 are attached as ANNEX II to this report.

The BASIS of LOPA 5 explains that the "Woodroffe Primary Employment Centre" currently contains approximately 2,200 jobs and that the existing vacant lands, excluding the subject site, could accommodate a further 8,750 jobs. These employment levels will exceed the targets of both the Region's and Nepean's Official Plans for approximately 5,000 jobs at "Primary Employment Centres" inside the Greenbelt.

The subject lands are situated at the south end of the Woodroffe "Primary Employment Centre" designated in Nepean's Official Plan and physically separated by Tallwood Dr. from the lands designated for future office/commercial development. To the south of the subject lands there are 23 single detached homes fronting on PineTrail Cres. Based on these circumstances, Nepean concludes that the subject lands can be redesignated "Residential" without hindering the achievement of employment targets for the Woodroffe "Primary Employment Centre".

Minto's Tallwood Dr. Draft Plan application and Nepean's implementing zoning by-law (i.e., ZBLA 71-96) establish the density and configuration of residential development permitted on this site.

DRAFT PLAN OF SUBDIVISION APPLICATION

Minto submitted its Tallwood Dr. Draft Plan application to the Regional Planning and Approvals Department on 12 Mar. 96. This application proposes 69 lots for single detached homes using Alternative Development Standards (ADS). In Minto's Draft Plan application the applicable ADS comprise reduced front; side and rear yard setbacks as well as a reduced road right-of-way from 16.5 m (54 ft.) to 20 m (66 ft.). A small "feature park" is also proposed adjacent to Tallwood Dr. that will serve as a passive park and an entrance feature to the entire Centrepointe Community. Draft Plan 06T-96003 is to be on full municipal services. ANNEX III shows Minto's Tallwood Dr. Draft Plan and its relationship to the future southwest transitway extension.

PROVINCIAL INTERESTS

The New Provincial Policy Statement

Nepean's LOPA 5 was adopted under the procedures associated with the Bill 163 version of the Planning Act. However, because adoption of Nepean's LOPA 5 occurred after the proclamation of the new Planning Act, the policies of the new Provincial Policy Statement apply. In this context, Nepean and Regional Councils must have regard to the policies of the new Provincial Policy Statement. Minto's Tallwood Dr. Draft Plan application was also made under the Bill 163 version of the Planning Act. Owing to the fact that Minto did not receive draft plan approval before the proclamation of the new Planning Act, Nepean and Regional Councils must have regard to the new Provincial Policy Statement in their consideration of Minto's Draft Plan 06T-96003.

The relevant Provincial interests are contained in Policy 1.1.2 of the new Provincial Policy Statement which states that land requirements and land use patterns will be based on development densities which among other things:

1. efficiently use land, resources, infrastructure and public service facilities;
2. avoid the need for unnecessary and uneconomical expansion of infrastructure; and
3. support the use of public transit, in areas where it exists or is to be developed.

Planning Act Section 51

Section 51 (24) of the Bill 163 version of the Planning Act requires that when considering subdivision applications regard shall be had, among other matters, to:

- (a) the effect of development of the proposed subdivision on matters of Provincial interest;
- (b) whether the proposed subdivision is premature or in the public interest;

- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any; and
- (d) the suitability of the land for the purposes for which it is to be subdivided.

Section 2 of the Bill 163 version of the Planning Act establishes the following pertinent Provincial interests:

- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities; and
- (p) the appropriate location of growth and development.

Comment

Regional staff maintain that Nepean's LOPA 5 and Minto's Draft Plan 06T-96003 do not have due regard to the new Provincial Policy Statement. Further, Regional staff advise that Minto's Draft Plan 06T-96003 does not have regard to the requirements of Section 51(24) of the Bill 163 version of the Planning Act.

REGIONAL OFFICIAL PLAN POLICIES

The Regional Official Plan (ROP) designates, by a conceptual dot, the subject site as "Primary Employment Centre". The precise boundary of the "Primary Employment Centre" designation is described in Nepean's Official Plan. Section 3.1.3.2, Policy 4 of the ROP describes "Primary Employment Centres" inside the Greenbelt as areas having the following characteristics:

- a) the potential for development which can accommodate at least 5,000 jobs;
- b) direct access to a Regional Road or Provincial Highway that can accommodate the anticipated traffic; and
- c) adjacent to an existing or proposed transitway station.

Moreover, Section 3.1.3.2 states that high density residential development may also be permitted, provided the opportunity to accommodate employment is not reduced below the levels established in Policy 4 a) above.

Section 11.4, Policy 21 complements the policies of Section 3.1.3.2 by establishing that:

“Council shall promote high levels of transit use by encouraging, at existing and proposed transitway stations:

- a) an arrangement of development and streets which facilitates easy access to the station;
- b) an arrangement of development whereby higher density development is located closer to the transit station than is lower density development; and
- c) the provision of direct pedestrian access to the station and between complementary uses.”

Comment

While LOPA 5 and Minto’s Draft Plan 06T-96003 do not violate Section 3.1.3.2, Policy 4, neither implement Policy 5. The intent of Section 3.1.3.2, Policy 5 is to allow high density residential uses in “Primary Employment Centres” where the achievement of the job target is not compromised. Regional staff have advised Nepean staff and Minto that if the ROP job target for the Woodroffe “Primary Employment Centre” is not compromised by extracting the subject lands from the Woodroffe “Primary Employment Centre”, Regional staff are prepared to support LOPA 5 but only on the condition that it provide for a higher density form of residential development than Minto is presently proposing. Regional staff have also indicated that they are not prepared to support Minto’s Draft Plan 06T-96003 in its present form, as it proposes a density of residential development which does not reflect the policies of the ROP.

Moreover, Nepean’s LOPA 5 and Minto’s Draft Plan 06T-96003 do not conform with Section 11.4, Policy 21 as quoted above as they propose to permit low density single detached residential development within 115 m (377 ft.) of the proposed Tallwood Dr. transitway station rather than the higher density residential development required. Higher density residential development must be promoted at this location to ensure that pedestrian access to the future Tallwood Dr. transitway station is made possible for the greatest number of potential transit patrons. In this fashion, the public benefit accruing to the Region’s investment in the transitway is maximised.

New Regional Development Strategy Principles

On 13 Nov. 96 Regional Council approved a series of principles to guide the Regional Development Strategy (RDS) of the new ROP. The following principles are germane to the consideration of Draft Plan 06T-96003 in that they speak to encouraging denser and more compact development particularly in the vicinity of transitway stations:

“Land Use and Development

1. Recognising that significant investment has already been made in sewer, water and transportation systems in Ottawa-Carleton, plan land use to take advantage of capacities in existing systems inside and outside of the Greenbelt;

2. Encourage denser, more compact development on lands designated for urban purposes, and do not increase the size of currently-designated urban areas;
3. a) Encourage the increase of new dwelling units inside the Greenbelt, recognising long term demographic trends and the need to provide more efficient urban development;
7. Strengthen selected transitway stations.....as locations of employment in combination with retail, service, entertainment, and residential uses;
14. Encourage a mix of land uses and community design in new and redeveloping areas which reduces the need to travel and facilitates the use of walking, cycling and transit;

Transportation

1. Implement a transit, walking, cycling first policy in order to provide a balanced transportation system, which accommodates all users and minimises environmental and social impacts;

Financial

2. Encourage residential growth in areas which are most cost-efficient to service, and discourage residential growth in more costly areas.”

Comment

Approving Nepean’s LOPA 5 and Minto’s Tallwood Draft Plan application as proposed violates these principles. Accordingly, Regional staff recommends that Nepean’s LOPA 5 only be approved if the modifications proposed below are incorporated, and that Minto’s Draft Plan 06T-96003 be refused.

NEPEAN OFFICIAL PLAN POLICIES

Nepean’s Official Plan establishes the precise boundaries of the Woodroffe “Primary Employment Centre” which includes Minto’s lands at the southeast corner of Centrepointe Dr. and Tallwood Dr. It also sets job and land use targets that effectively implement the ROP policies noted above. Nowhere is this more evident than in Section 1.4 of Nepean’s Official Plan where it sets out general principles to guide the overall official plan policy. These general principles are to be implemented through development approval. In particular Section 1.4 (g)(ii) states:

“The City supports the efforts of the Regional Municipality to reduce the dependence of the private automobile, and to ensure the provision of efficient forms of public transit. Consideration shall be given to the demands and possible effects of various transit types when assessing all major developments within the Municipality, and particularly in the new South Urban Community.”

Further, Section 8.4, PUBLIC TRANSIT, contains the same wording as Section 11.4, Policy 21 of the ROP. Subsection 8.0 (c) states that Nepean “Council shall also encourage maximum accessibility to transit services through the subdivision and site plan approval process.”

Comment

These provisions of Nepean’s Official Plan support Regional staff’s position on Nepean’s LOPA 5 and Minto’s Draft Plan 06T-96003.

EXTERNAL AGENCY COMMENTS

Nepean’s LOPA 5 and Minto’s Draft Plan 06T-96003 were circulated to external agencies for comment. Included in this circulation were the Rideau Valley Conservation Authority (RVCA) and the utilities. While no external agency articulated any objections to the approval of LOPA 5, the RVCA had comments on Minto’s Draft Plan 06T-96003. The other external agencies requested that their standard draft approval conditions be imposed if Minto’s Draft Plan 06T-96003 is draft approved.

Rideau Valley Conservation Authority

The Rideau Valley Conservation Authority (RVCA) indicates that they have no objection to the approval of LOPA 5. However, the RVCA will require a “conceptual storm water design plan” prior to the draft approval of the subdivision application. This approach is consistent with Section 10.2, Policy 8 of the ROP which requires that for the urban parts of the Region where there is no approved “master drainage plan” a “stormwater design plan” shall be prepared prior to draft plan approval.

Comment

Minto has not addressed this requirement to date, and therefore Minto’s Draft Plan 06T-96003 should not be draft approved at this time.

REGIONAL COMMENTS

Environment and Transportation Department

The Environmental Services Division (ESD) has no objection to the approval of Nepean’s LOPA 5. Nevertheless, the ESD has asked that a number of draft approval conditions be imposed should Minto’s Draft Plan 06T-96003 be draft approved.

The Transportation Division (TD) commented that the recent elimination of the Inner Provincial Highway By-pass from the ROP has freed up additional lands inside of the Greenbelt which can now be developed. As a result, the Region’s lands abutting Minto’s land, with the exception of the transitway corridor, is now in a position to be developed. Consequently, it is inappropriate to approve LOPA 5 without including the Region’s lands.

Further, TD staff have underscored that the ROP requires that higher density development be located closer to the transitway station than lower density development to encourage higher levels of transit use. As the inventory of vacant lands in close proximity to existing and future transitway stations is very limited, these lands should be reserved for high density uses.

Although it is preferable to have employment rather than residential uses located immediately adjacent to existing or planned transitway stations, in this particular situation there appears to be sufficient vacant land in closer proximity to the stations on which employment related development can occur. TD-Trans staff therefore supports a redesignation of the site for higher density residential use. Conversely, TD staff do not support a redesignation of Minto's lands which would permit low density residential development.

One further issue involves the Region's property adjacent to Minto's Tallwood Dr. property. As both sites are likely to be served by a single access from Tallwood Dr., there is a need to develop them in a complementary fashion. To achieve this, ETD-Trans staff recommend that a concept or secondary plan be drafted for the area which would incorporate both properties.

Comment

The Planning and Development Approvals Department concurs with these comments. They are the basis for proposed Modification Nos. 1 to 3 and the refusal of Minto's Draft Plan 06T-96003.

Planning and Development Approvals Department

The Property Services Division indicated that any development of the subject lands should take into account the Region's surplus lands between the Minto's Tallwood Dr. property and the transitway itself. This should be done in consideration of both access and land use issues. A recent real estate appraisal established that the lands have potential for "a highest and best use" (i.e. higher density residential or commercial uses) greater than single family homes.

The Development Approvals Division (DAD), submits that the density of residential development proposed by Minto for their Tallwood Dr. property is not in conformity with the objectives and policies of the Region's and Nepean's Official Plans. Nevertheless, DAD staff agrees that Tallwood Dr. could become the boundary between Nepean's "Residential" and "Primary Employment Centre" designations. DAD staff believe that the Region's surplus lands should be developed with a type and form of residential development that will support the Region's transitway program. The Region's interests can be addressed through a revised Draft Plan that features a lot/block fabric that establishes a higher density form of residential development. DAD staff are prepared to recommend approval of Nepean's LOPA 5 subject to proposed Modification Nos. 1 to 2 which bring Nepean's LOPA 5 into conformity with the objectives and policies of the ROP.

Modification No. 3 is proposed to redesignate the Region's surplus lands from "Primary Employment Centre" to "Residential" so that the need for a further LOPA is avoided. Regional staff requested that LOPA 5 be amended to accommodate the Region's interest but Nepean Council declined to do so.

Modification No. 1

PART B - THE AMENDMENT, BASIS, be modified by deleting the following words in the third paragraph:

“It should be noted that the proposed redesignation to “residential” is only to permit a lower density development as the “Primary Employment Centre” designation currently allows high density residential uses provided the opportunity to achieve employment levels is not impeded. The proposed development will be ground oriented low density residential based on alternative development standards.”

Modification No. 2

PART B - THE AMENDMENT, BASIS, be modified by deleting the following words in the fourth paragraph:

“Redesignation of the subject site would provide and an appropriate transition from existing low density residential development south of the site and possible medium density residential development to the north of the site.”

Modification No. 3

Schedule A, be modified by redesignating from “Primary Employment Centre” to “Residential” the lands identified on Schedule A by Modification No. 3.

CONSULTATION

Minto has hosted a number of informal meetings with the Centrepointe Community Association (CCA) concerning the subject LOPA and Draft Plan application. Regional staff were not aware of nor invited to take part in these discussions in spite of the emphasis placed on pre-consultation by the Province through its Planning Act Reform initiative.

Prior to the public meetings to consider Minto’s planning applications, the City of Nepean Planning and Development Department gave the prescribed notices. The public meeting for LOPA 5 was held on 11 June 96. The public meetings for Nepean’s ZBLA 71-96 and Minto’s Draft Plan 06T-96003 followed on 3 Sept. 96 and 24 Sept. 96 respectively. All public meetings were held pursuant to the requirements of the Planning Act and its related provincial regulations.

The CCA is on the public record as supporting Minto’s proposed Tallwood Dr. Draft Plan as a subdivision of exclusively single detached dwellings. The CCA has expressed the view that the Minto proposal is the most compatible housing type/form to the existing residential neighbourhood on PineTrail Crescent and that sufficient multiple-housing is already located in the Centrepointe Community.

Several individual residents voiced concern about protection of the woodlands on the subject site and on the adjoining Regional land. Minto subsequently donated individual trees to the Nepean

Parks and Recreation Department and to Nepean residents willing to pay the cost for removal before clear cutting the site to prepare it for the proposed development. Minto also delayed the clear cutting operation to accommodate the raising of fox kits which were found on site.

One resident Mr. Ronald Benn has questioned the process that LOPA 5 and this development proposal has followed. He submits that this process has the effect of changing the “Vision for the Centrepointe Community” on a piece-meal basis rather than through a comprehensive planning exercise. His concern is that this decision will create a precedent for other vacant lands that will hamper the realisation of the original concept of Tallwood Dr. as a major entrance to the Centrepointe Community from Woodroffe Ave. Mr. Benn’s letter is attached as ANNEX IV.

At the public hearing on the draft plan of subdivision application several residents expressed concerns about the traffic generated by Minto’s proposed development, and its impact on the existing street access to Centrepointe Dr. This was particularly a concern for the residents of Arbourdale Cres. who need to turn left to travel toward Woodroffe Ave., Nepean Civic Square and nearby commercial development.

FINANCIAL IMPACT

If Nepean’s LOPA 5 is approved as adopted and the appeal of ZBLA 71-96 is withdrawn, the Region will be confronted with a low density residential subdivision within walking distance of the future Tallwood transitway station. Of more immediate importance, the Region could face opposition to the development of its surplus lands in the vicinity of the future Tallwood transitway station from the CCA and the future residents of Minto’s Tallwood Dr. subdivision. Such opposition could result in the Region not realising a reasonable return on its real property investment at this location.

Should Minto’s proposed Tallwood Dr. subdivision be approved, an undesirable precedent will be set for development in the vicinity of transitway stations. Moreover, lower transit ridership will likely result. By extension, this situation will undoubtedly translate into less effective and efficient public transit service that will negatively impact OC-Transpo’s and the Region’s capital and operating budgets through demands to extend the transitway to serve less dense development areas.

CONCLUSION

For reasons outlined in this report, Regional Planning staff recommend that PEC and Council approve Nepean’s LOPA 5 as modified by the Approval Page attached as ANNEX I and refuse Minto’s Draft Plan 06T-96003. Regional staff’s OMB appeal of Nepean’s ZBLA 71-96 is addressed in the SAFR included in the 10 Dec. 96 PEC agenda package.

*Approved by
N. Tunnacliffe, MCIP, RPP*

APPROVAL PAGE

**AMENDMENT NO. 5 TO THE OFFICIAL PLAN
OF THE CITY OF NEPEAN**

I hereby certify that Amendment No. 5 to the Official Plan of the City of Nepean, which was adopted by the Council of the City of Nepean on 11 July 96, was approved by the Council of the Regional Municipality of Ottawa-Carleton on _____ under Sections 17 and 21 of the Planning Act, 1990, except:

A. The following which were modified under Section 17 of the Planning Act, 1990:

Modification No. 1

PART B - THE AMENDMENT, BASIS, is modified by deleting the following words in the third paragraph:

“It should be noted that the proposed redesignation to “residential” is only to permit a lower density development as the “Primary Employment Centre” designation currently allows high density residential uses provided the opportunity to achieve employment levels is not impeded. The proposed development will be ground oriented low density residential based on alternative development standards.”

Modification No. 2

PART B - THE AMENDMENT, BASIS, is modified by deleting the following words in the fourth paragraph:

“Redesignation of the subject site would provide and an appropriate transition from existing low density residential development south of the site and possible medium density residential development to the north of the site.”

Modification No. 3

Schedule A, is modified by redesignating from "Primary Employment Centre" to "Residential" the lands identified on Schedule A by Modification No. 3.

Dated this day of 1996

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Deputy Clerk, Regional Municipality of Ottawa-Carleton

OFFICIAL PLAN OF THE CITY OF NEPEAN

PLANNING AREA**PURPOSE:**

The purpose of Amendment No. 5 is to permit the development of a residential subdivision on Block 134, Plan 4M-467 being lands located at the southeast corner of Centrepointe Drive and Tallwood Drive.

Amendment No. 5 amends the designation of the subject lands on "Schedule 1 Policy Plan" from "Primary Employment Centre" to "Residential".

BASIS:

The subject lands are currently designated "Primary Employment Centre" under the existing provisions of the City of Nepean Official Plan. The lands are currently vacant and abut an existing single family subdivision (Pinetrail Crescent) to the south. A townhouse development is located to the west of the subject site on the other side of Centrepointe Drive. To the north of the subject site lies Tallwood Drive, which is a major entry point to the Centrepointe Community, and other commercially zoned lands within the Primary Employment Centre. To the east lies Institutional zoned lands owned by the Regional Municipality of Ottawa-Carleton, a portion of which are reserved for the future southern extension of the transitway from Baseline Station.

In determining the appropriateness of the proposed official plan amendment, the employment targets for Primary Employment Centres as detailed in both the Regional and Nepean Official Plans must be considered. Section 3.1.3.2 of the Regional Official Plan requires "the potential for development which can accommodate at least 5,000 jobs at centres within the greenbelt". The Nepean Official Plan has the identical requirement for employment potential. Approximately 2200 jobs exist within the current Primary Employment Centre. The current zoning of lands within the Primary Employment Centre (excluding the subject site) would permit an additional 2,190,000 square feet of building space (primarily office space). At one employee per 250 square feet this would accommodate an additional 8760 jobs. In addition there will be a substantial number of retail jobs as a result of the Home Depot development and future redevelopment of Shoppers City West. There are no assurances that this total number of jobs will be created in the long term. However, based on existing employment and the potential for approximately 10,000 additional jobs, it is not unreasonable to assume 8-10,000 jobs being created over the long term. There is also the possibility of additional employment within the Primary Employment Centre on RMOC lands adjacent to the transitway. As the Primary Employment Centre designation requires 5,000 jobs, the City has no concerns with the removal of the subject lands from the Primary Employment Centre designation in terms of employment levels in the Centre being met.

The subject lands are on the southern most edge of the existing Primary Employment Centre. It is separated from the balance of the Primary Employment Centre lands to the north by Tallwood Drive. The redesignation of the subject lands to "Residential" would allow the logical extension of the existing residential area to the south. Tallwood Drive would therefore become the boundary between the "Residential" designation to the south and the "Primary Employment Centre" to the north. ~~It should be noted that the proposed redesignation to "residential" is only to permit a lower density development as the "Primary Employment Centre" designation currently allows high density residential uses provided the opportunity to achieve employment levels is not impeded. The proposed development will be ground oriented low density residential based on alternative development standards.~~

MODIFICATION
No. 1
UNDER SECTION 17 (20)
OF THE PLANNING ACT

A recent study prepared for the City of Ottawa and the Regional Municipality of Ottawa-Carleton entitled Development Opportunities at Transitway Stations (DOTS), March 1996 also shed some light on the proposed amendment. Baseline Station was one of two case studies examined in detail by the report. The study area boundaries included lands within a 600 metre (7 min. walk) from Baseline Station. It should be noted that the subject site is the only commercially zoned site in Centrepointe within the existing Primary Employment Centre designation that is located outside of the 600 metre radius boundary of Baseline Station. While there is a possibility of a transit station to be located at Tallwood Drive, the locational attributes of the subject site provide some grounds for its redesignation to "Residential". The DOTS Study recommends medium and high density residential development be introduced to the area between Tallwood Drive and Nepean

Civic Square as an alternative to more offices. More residential development would add to the diversity of the area and increase support for stores and services around the station. ~~Redesignation of the subject site would provide an appropriate transition from existing low density residential development south of the site and possible medium density residential development to the north of the site.~~

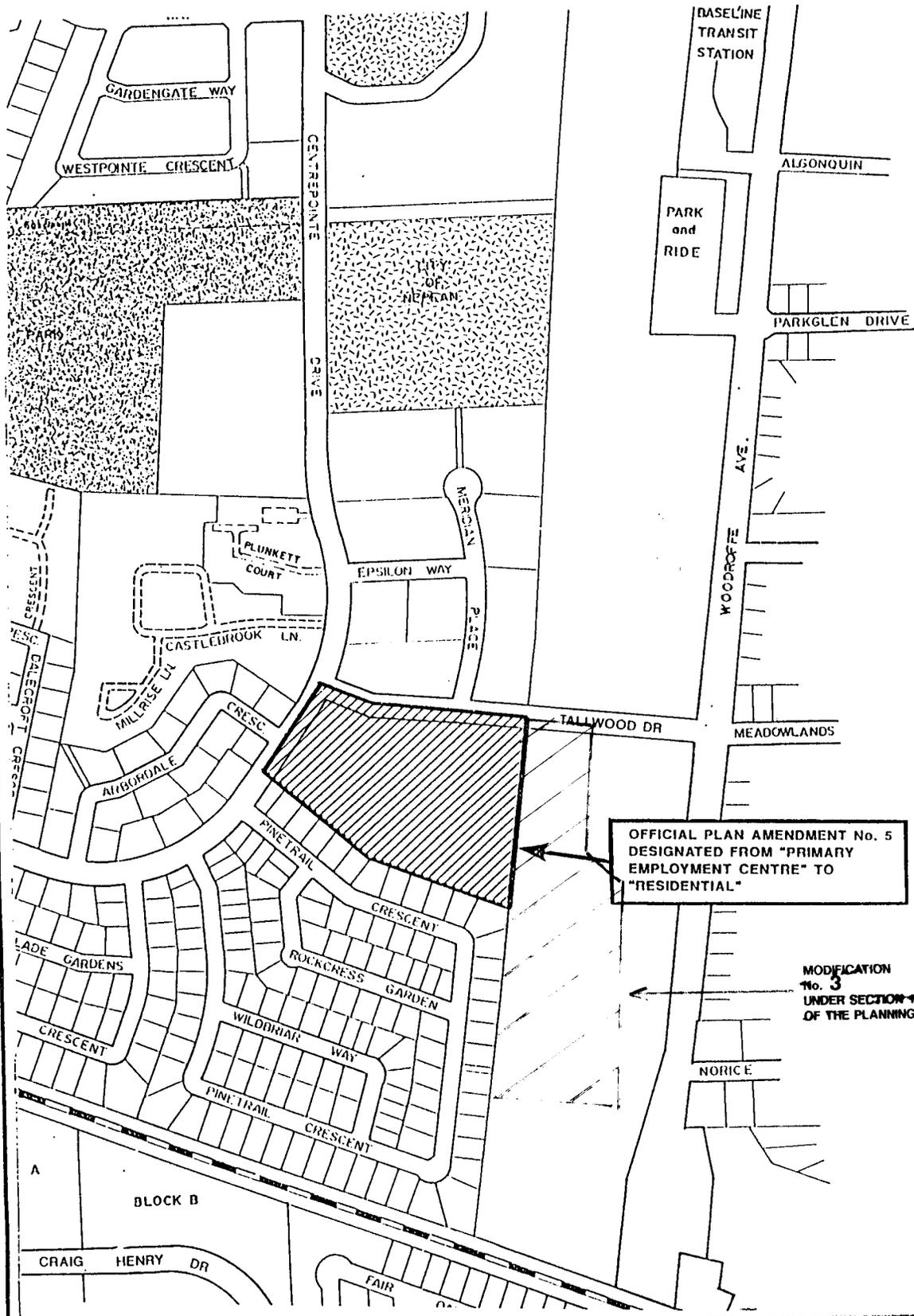
MODIFICATION
No. 2
UNDER SECTION 17 (20)
OF THE PLANNING ACT

The primary rationale for the inclusion of the subject lands within the "Primary Employment Centre" designation was the relationship of the site as an entrance to the Centrepointe Community. As an entrance point to the community, it was the City's position that a commercial zoning would make the City's design objectives (Section 3.2.1 Centrepointe Drive Streetscape Study Report) more readily achieved. The City of Nepean is satisfied that its design objectives can be achieved with a residential subdivision on the subject lands. The use of alternate development standards, a small urban type park, significant streetscaping and the orientation of units towards Tallwood Drive can satisfy the City's objectives with respect to the land's status as a key entry point to the community.

The proposed amendment will not compromise the Nepean or Regional Official Plan with regard to required employment levels. The proposed redesignation of the site is a logical extension of the existing residential community abutting the site and may serve as an appropriate transition to development immediately to the north of Tallwood Drive. The City's objectives with regard to the site's status as an entry point to the Centrepointe Community can still be satisfied with a residential land use.

THE AMENDMENT:

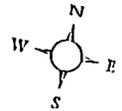
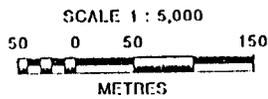
1. That "Schedule 1, Policy Plan" of the Official Plan of the City of Nepean be amended by deleting the "Primary Employment Centre" designation for the subject site and replacing it with the "Residential" designation as shown on Schedule A to this amendment.



OFFICIAL PLAN AMENDMENT No. 5
 DESIGNATED FROM "PRIMARY
 EMPLOYMENT CENTRE" TO
 "RESIDENTIAL"

MODIFICATION
 No. 3
 UNDER SECTION 47 (2)
 OF THE PLANNING ACT

SCHEDULE A



NOTE:
 THIS SCHEDULE A TO AMENDMENT No. 5
 TO THE NEPEAN OFFICIAL PLAN DELINEATES
 THE AREA AFFECTED AND REDESIGNATED.

PLANNING & DEVELOPMENT DEPARTMENT



Planning & Property Department
Regional Municipality of Ottawa-Carleton
Ottawa-Carleton Centre
111 Lisgar Street, (Cartier Square)
Ottawa, Ontario, K2P 2L7

Service de l'urbanisme et des biens immobiliers
Municipalité régionale d'Ottawa-Carleton
Centre Ottawa-Carleton
111, rue Lisgar (Place Cartier)
Ottawa (Ontario) K2P 2L7



City of / Ville de
NEPEAN
Nepean Civic Square,
101 prom. CentrepoinTE Dr.
Nepean, Ontario, K2G 5K7

RMOC / NEPEAN OFFICE USE ONLY / RÉSERVÉ AU BUREAU (MROC / NEPEAN)

Date Received / Date de réception: _____ Application Complete / Demande complète: yes / oui no / non

File Cross Reference (s) / Renvoi(s): _____

Revised Application / Demande révisée: yes / oui no / non Revised Plan / Plan révisé: yes / oui no / non

Application Accepted by / Demande reçue par: _____

SUBDIVISION APPLICATION FORM / FORMULE DE DEMANDE DE LOTISSEMENT
for applying for approval under Section 51 of the Planning Act, for lands within the City of Nepean
pour approbation en vertu de l'article 51 de la Loi sur l'aménagement du territoire (terrains dans la Ville de Nepean)

Please type or print / Veuillez dactylographier ou écrire en lettres moulées
NOTE: SEE APPENDIX I FOR DIRECTIONS / GUIDANCE / NOTA: VOIR ANNEXE I POUR OBTENIR DES DIRECTIVES.
1. Complete and check the primary contact. / Remplir le tableau et cocher le nom du contact principal.

	NAME / NOM	TELEPHONE NUMBER & ADDRESS, CITY & POSTAL CODE NUMÉRO DE TÉLÉPHONE, ADRESSE, VILLE ET CODE POSTAL	PRIMARY CONTACT (check one only) CONTACT PRINCIPAL (cocher un seul nom)
Registered Owner Propriétaire enregistré	Minto Developments Inc.	427 Laurier Ave. W Suite 300 Ottawa, Ont. M1R 7Y4 Daniel Paquette	<input checked="" type="checkbox"/>
Applicant / Agent Auteur de la demande / représentant	same as above		<input type="checkbox"/>
Solicitor / Avocat	Soloway Wright	99 Metcalfe Street Ottawa, Ont. K1P 6L7 Attention: Mr. Doug Kelly	<input type="checkbox"/>
Ontario Land Surveyor Arpenteur-géomètre de l'Ontario	Amis D'Sullivan	14 Concourse Gate Suite 500 Nepean, Ont. K2E 7S6 Off: Ian Watson	<input type="checkbox"/>

2. Legal Description: Lot No. 134 Concession No. _____ Registered Plan No. 417-467
Description légale: N° de lot _____ N° de concession _____ N° de plan enregistré _____
3. Municipal Address / Adresse municipale: N/A
4. Has the subject land ever been subdivided previously under either Section 51 of the Planning Act or by consent under Section 53 of the Planning Act? / Le terrain en question a-t-il déjà fait l'objet d'un lotissement en vertu de l'article 51 de la Loi sur l'aménagement du territoire?
 yes / oui no / non

If yes, please indicate file number of application and decision on the application: / Le cas échéant, veuillez inscrire le numéro de la demande et le numéro de la décision sur la formule de demande:

5. Is this land the subject of any other application under the Planning Act (i.e., proposed official plan or plan amendment, zoning by-law amendment, Minister's zoning order amendment, minor variance or consent application, site plan application)?
Ce terrain fait-il l'objet d'une autre demande en vertu de la Loi sur l'aménagement du territoire (c.-à-d. Plan directeur proposé ou modification au Plan directeur, modification du règlement de zonage, modification d'ordonnance de zonage du ministre, dérogation mineure, demande de consentement ou demande de plan d'emplacement)?
 yes / oui no / non

If yes, please indicate file number and status of the application: / Le cas échéant, veuillez inscrire le numéro de dossier et le statut de la demande:

- Official Plan Amendment application with the City of Nepean (on circulation)
Zoning By-law Amendment application with the City of Nepean (on circulation)
6. Regional Official Plan Designation / Désignation du Plan directeur de la MROC: General Urban Area
7. Nepean Official Plan Designation / Désignation du Plan directeur (Nepean): Primary Employment Centre
8. Nepean Zoning category / Catégorie de zonage (Nepean): C0 Bay low 31-81

9. Indicate the proposed land use (s) / Indiquer l'(les) utilisation(s) proposée(s) du terrain :

Intended Use Utilisation proposée	Number of Residential Units Nombre de logements	Numbers of the Lots or Blocks shown on the plan Numéros des lots ou des blocs indiqués sur le plan	Number of Parking Spaces Nombre de places de stationnement	Area in Hectares Superficie en hectares
RESIDENTIAL / RÉSIDENTIELLE				
Single-detached / Maisons unifamiliales	69	1-69	69x2 = 138*	2.427
Semi-detached / Maisons jumelées				
Row housing / Maisons en rangée				
Apartments / Immeubles d'appartements				
Stacked Townhouse / Logements superposés (en bande)				
Mobile Home / Maison mobile				
Seasonal Residential / Résidentielle, saisonnière				
Other Residential (specify) / Autre résidentielle (préciser)				
NON-RESIDENTIAL / NON RÉSIDENTIELLE				
Institutional (specify) / Institutionnelle (préciser)				
Commercial / Commerciale				
Industrial / Industrielle				
Park and open space / Parcs et espaces libres		70		.159
Roads / Routes		Streets 1, 2 + 3		1.162
Other / Autre		71.72		.017
TOTAL / TOTAL				3.766

10. Indicate the existing use of land / Indiquer l'utilisation actuelle du terrain :

vacant

11. Are there any easements or restrictive covenants affecting the subject lands? / Les terrains en question sont-ils grevés par des servitudes ou des clauses restrictives?

yes / oui no / non

If yes, please provide a description of the easement/covenant and its effect : / Le cas échéant, veuillez décrire la servitude ou la clause restrictive et préciser la portée de celle-ci.

12. Indicate what services are proposed / Indiquer les services proposés :

(a) Water Supply / Alimentation en eau :

- piped water / par tuyaux
 individual wells / puits individuels
 other (describe) / autre (décrire)

- Has an engineering study been prepared?
 - Est-ce qu'une étude technique a été réalisée?

yes / oui no / non

NOTE : IF WELLS ARE PROPOSED, YOU ARE REQUIRED TO SUBMIT A HYDROGEOLOGY STUDY PREPARED BY QUALIFIED HYDROGEOLOGIST.
 NOTA : DANS LE CAS DE PUIITS, IL FAUT PRÉSENTER UNE ÉTUDE HYDROGÉOLOGIQUE PRÉPARÉE PAR UN HYDROGÉOLOGUE AGRÉÉ.

(b) Sewage Treatment / Épuration des eaux d'égout :

- sewers / égouts
 septic tanks / tile beds
 fosses septiques / tuyaux de drainage
 other (describe) / autre (décrire)

- Has an engineering study been prepared?
 - Est-ce qu'une étude technique a été réalisée?

yes / oui no / non

NOTE : IF SEPTIC TANK AND TILE BEDS ARE PROPOSED, YOU ARE REQUIRED TO SUBMIT A TERRAIN ANALYSIS STUDY.
 NOTA : DANS LE CAS D'UNE FOSSE SEPTIQUE ET DE TUYAUX DE DRAINAGE, IL FAUT PRÉSENTER UNE ÉTUDE D'ANALYSE DU SOL.

(c) Storm Drainage / Évacuation des eaux pluviales :

- sewers / égouts
 open ditches / fossés
 other (describe) / autre (décrire)

- Has an engineering study been prepared?
 - Est-ce qu'une étude technique a été réalisée?

yes / oui no / non

(d) Stormwater / Eaux pluviales :

- Is a stormwater retention pond required?
 - Un bassin de retenue des eaux pluviales est-il requis?

yes / oui no / non

13. Is there direct access to a public road that is maintained all year round? / Y a-t-il un accès direct à une route publique?

If not, please explain how access is to be provided / Dans la négative, prière d'expliquer comment il sera possible d'y avoir accès :

yes / oui no / non

14. Will access to the subject land be by water? / L'accès au terrain en question se fera-t-il par eau?

yes / oui no / non

If yes, please describe the parking and docking facilities to be used and approximate distance of these facilities from the subject land to the nearest public road : / Le cas échéant, décrire les installations de stationnement et d'accostage qui doivent être employées et la distance approximative de ces installations du terrain en question et de la voie publique la plus proche :

15. (a) Has a traffic study been prepared? yes no
Est-ce qu'une étude de la circulation a été réalisée? oui non
- (b) Has a noise study been prepared? yes no
Est-ce qu'une étude du bruit a été réalisée? oui non

If any of the above studies (9 & 11) have been prepared, please attach six copies of each study. *Si l'une des études susmentionnées (questions 9 ou 11) a été réalisée, prière de joindre six exemplaires de chaque étude.*

16. Are you proponent for any Schedule C Class Environmental Assessment? / *Êtes-vous le promoteur dans le cadre d'une évaluation environnementale effectuée en vertu de l'annexe C?* yes no
oui non
- If "Yes" are you complying with the Class E.A. process? / *Le cas échéant, respectez-vous le processus d'É.E.?* yes no
oui non

17. Owner's Authorization / *Autorisation du propriétaire :*

If an agent is applying, the owner must submit a letter of authorization or complete the following authorization :
Si le propriétaire se fait représenter, il doit présenter une lettre d'autorisation ou remplir l'autorisation suivante :

I, _____ being the registered owner of
Je _____ étant le propriétaire enregistré

Regis Trudel
 (type or print name of owner / dactylographier le nom du propriétaire ou écrire en lettres moulées)

the subject lands, hereby authorize _____
du terrain qui fait l'objet de la demande, autorise par la présente _____

Daniel Pequette
 (type or print name of agent / dactylographier le nom du représentant ou écrire en lettres moulées)

to prepare and submit a draft plan of subdivision for approval, on my behalf.
à préparer et à présenter en mon nom un projet de plan de lotissement pour approbation.

[Signature] signature / *signature* 8 April 96
 day / jour month / mois year / année

18. Affidavit / *Affidavit*
 I, / *Je _____, of the / du (de la) _____*
Daniel Pequette City of Ottawa

in the Regional Municipality of Ottawa-Carleton, solemnly declare that all the above statements contained in the application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under Oath and by virtue of "The Canadian Evidence Act". / *dans la Municipalité régionale d'Ottawa-Carleton, déclare solennellement que les déclarations contenues ci-dessus dans la présente demande sont vraies et je fais cette déclaration solennelle en croyant en toute conscience qu'elle est vraie et en étant conscient(e) qu'elle a la même force et la même portée que si elle avait été faite sous serment et conformément à la «Loi sur la preuve au Canada».*

Declared before me at the / *Déclaration faite devant moi à (au) _____*
 in the Regional Municipality of Ottawa-Carleton / *dans la Municipalité régionale d'Ottawa-Carleton*
City of Ottawa

this / *ce* _____ 8th _____ day of / *jour de* _____ April 1996

 A Commissioner, etc. / *Commissaire, etc.* Linda Marie Hatt, a Commissioner, etc.,
 Regional Municipality of Ottawa-Carleton, for
 Minto Developments Inc. and its subsidiaries,
 Associates and affiliates. Expires December 16, 1997

NOTE : IT IS THE RESPONSIBILITY OF THE OWNER TO NOTIFY THE REGIONAL PLANNING & PROPERTY DEPARTMENT OF ANY CHANGE IN OWNERSHIP OR AGENT WITHIN 30 DAYS OF SUCH CHANGE TAKING PLACE.
 NOTA : IL INCOMBE AU PROPRIÉTAIRE D'AVISER LE SERVICE DE L'URBANISME ET DES BIENS IMMOBILIERS DE LA MROC DE TOUT CHANGEMENT DE PROPRIÉTAIRE OU DE REPRÉSENTANT DANS LES 30 JOURS SUIVANT LE CHANGEMENT.

Personal information on this form is collected under the authority of the Planning Act, and will be used to process this application. Questions about this collection of personal information should be directed to the Director of Economic and Planning Development, City of Nepean, Planning and Development Department, Nepean Civic Square, 101 Centrepointe Drive, Nepean, Ontario, K2G 5K7, Telephone (613) 727-6626 or to the Manager, Administration Services, Planning & Property Department, Regional Municipality of Ottawa-Carleton, 111 Lisgar Street, Ottawa, Ontario, K2P 2L7, Telephone (613) 560-2053.

Les renseignements personnels indiqués sur cette formule sont recueillis conformément à la Loi sur l'aménagement du territoire et seront utilisés pour traiter cette demande. Les questions relatives à la collecte de renseignements personnels devraient être adressées au directeur du Service de l'urbanisme et du développement économique, Ville de Nepean, Nepean Civic Square, 101, promenade Centrepointe, Nepean (Ontario) K2G 5K7, téléphone (613) 727-6626 ou au gestionnaire, Services administratifs, Service de l'urbanisme et des biens immobiliers, Municipalité régionale d'Ottawa-Carleton, 111, rue Lisgar, Ottawa (Ontario) K2P 2L7, téléphone (613) 560-2053.



Appendix II

REGIONAL FILE NO. _____

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON AFFORDABLE HOUSING MONITORING FORM

SUBDIVISION APPROVALS ARE SUBJECT TO COMPLIANCE TO THE PROVINCIAL HOUSING POLICY STATEMENT WHICH REQUIRES THAT 30% OF NEW RESIDENTIAL UNITS IN OTTAWA-CARLETON BE AFFORDABLE. PLEASE PROVIDE THE FOLLOWING STATISTICAL INFORMATION WITH REGARD TO THE AFFORDABILITY TARGET. IN 1995, THE AFFORDABLE SELLING / RENTAL PRICES ARE \$ 183,000 / \$ 895 OR LESS.

PLEASE NOTE THAT THE REGION REQUIRES UPDATED INFORMATION ON HOUSING AFFORDABILITY AS A CONDITION OF DRAFT APPROVAL.

- 1. Does the draft plan include any affordable housing units? [] Yes [] No
2. If no, please provide a written explanation, in accordance with the Region's requirements as per the attached guideline.
3. For HOUSING units to be privately owned, indicate the proposed zoning, permitted unit types, and comparable price ranges as follows :

Table with 6 columns: Lot or Block, No. of Units, Anticipated Zone, Permitted Unit Types *, Comparable Price Range/ Unit Type (Low/High), Projected Year of Construction. Handwritten entry: 1-69, 69, R3A, Single detached, \$165,000-\$199,000, 1996-97.

- 4. For HOUSING units to be privately rented, indicate the proposed zoning, permitted unit types, and comparable monthly rent as follows :

Table with 6 columns: Lot or Block, No. of Units, Anticipated Zone, Permitted Unit Types *, Comparable Monthly Rent/Unit Type, Projected Year of Construction.

- 5. If the proposal includes any blocks of land intended for non-profit or co-operative housing units, please complete the following :

Name of housing producer / sponsoring agency : _____

Table with 5 columns: Lot or Block, No. of Units, Housing Type *, Client Group(s) **, Projected Year of Construction.

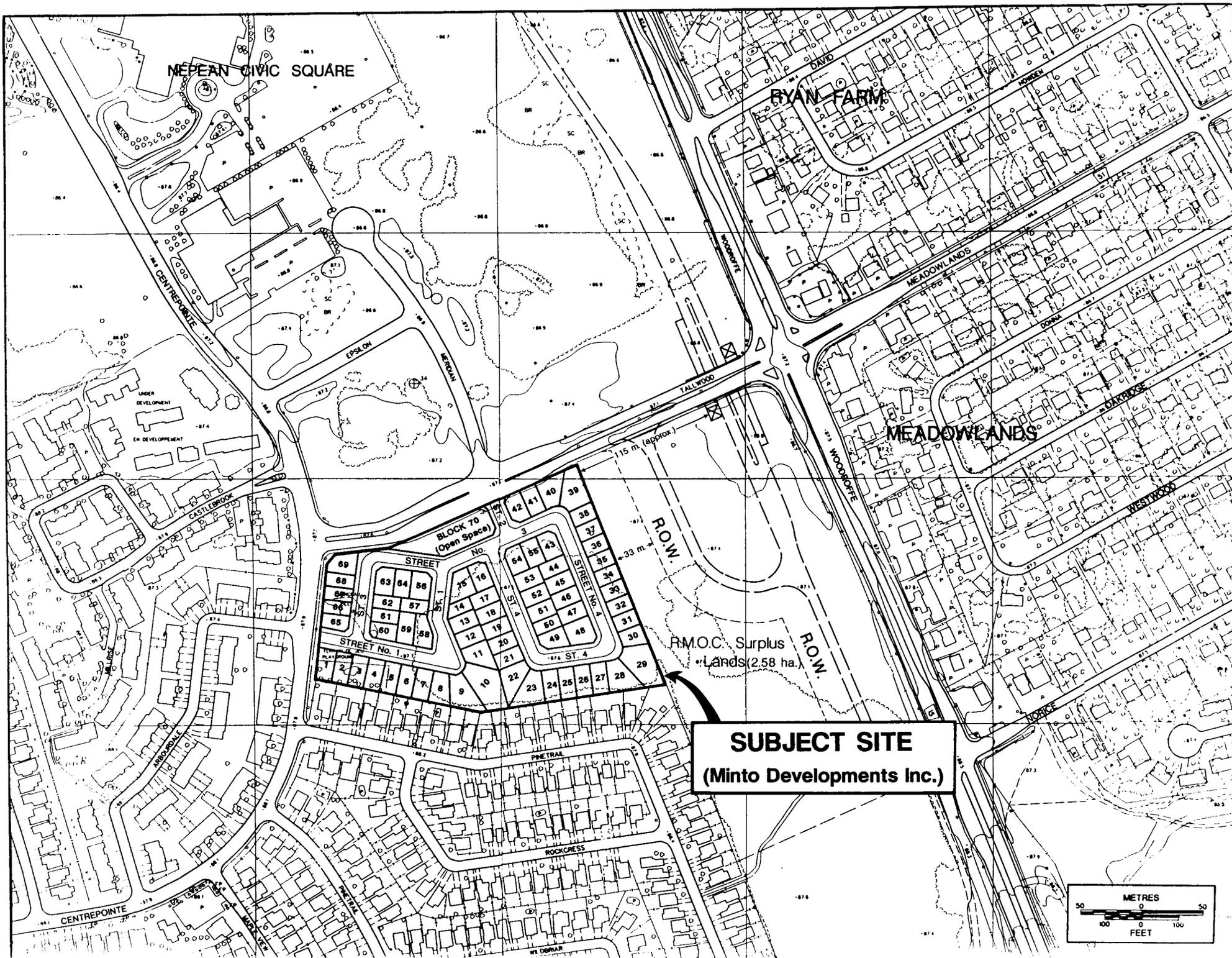
** for example : seniors, families and special needs.

- 6. If the proposal does not include non-profit housing, would you be willing to sell lots / blocks of land to the Region's revolving fund for non-profit housing?

[] No [] Yes : Location (Lots / Blocks) _____

* Specify whether : Single - Detached, Semi - Detached, Link, Stacked Townhouse, Townhouse, Apartment, or other

Signature: [Handwritten Signature]
Owner / authorized agent's signature
Date: April 8/96



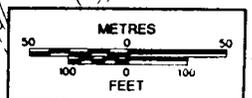
NEPEAN CIVIC SQUARE

RYAN FARM

MEADOWLANDS

SUBJECT SITE
(Minto Developments Inc.)

R.M.O.C. Surplus
Lands (2.58 ha.)



Ronald Benn
23 Pinetrail Crescent
Nepean, Ontario K2G 5A3
R- 226-1235 O - 230-7211 F - 230-6055

June 10, 1996

BY HAND

City of Nepean - Planning Department
101 Centrepointe Drive
Nepean, Ontario

Attention: Mr. Don Herweyer

re: Application to re-zone SE corner of Tallwood/Centrepointe

Dear Sirs:

I wish to register my concerns with the planning department, the planning committee members and city council regarding an application to rezone the SE corner of Tallwood & Centrepointe from commercial use to residential use.

My concerns are of a general nature, as opposed to the specific plans for the site. I am not philosophically opposed to development of this or any other land in Centrepointe. A land owner may do with its land as it sees fit, within the constraints of the current zoning. Furthermore, I accept that there is a process in place to change the zoning of a property. None of this is at issue. The issue is one of vision.

When Centrepointe was first conceptualized there was a vision, one of a mixture of businesses and residents in the same community. A portion of this vision was for the Tallwood entrance into Centrepointe to be developed in a commercial context, perhaps as a way of introducing the visitor to the planned mixed use of the community. To change the zoning to residential for a portion of this street will change the planned entrance to Centrepointe - to the south will be residential, to the north commercial. How does this fit the initial vision?

Some 11 years after the start of development, it would be fair to say that the commercial development of the community has failed to meet expectations, especially from the perspective of those companies that have placed their capital at risk in acquiring the commercially zoned land. This is the reason for Minto's application to change the zoning - by their own admission during a recent Community Association meeting, the prospects of commercial development of this parcel of land is not likely within the next three to five years. The reasons are economic, a mismatch of supply (too much available commercial land in the Woodroffe corridor) and (too little) demand. To not change the zoning is to force Minto to either hold the land for an extended

period of time while paying the related carrying charges (property taxes and interest on any debt they have against that land) while hoping that the economic prospects will change, or to sell it, likely for an amount less than they would achieve by re-zoning and developing the property. However, I do not think that the city has a responsibility to any private enterprise to assist them in minimizing their losses or maximizing their gains.

The issue at hand is whether the vision of Centrepointe has changed, and if it has, did or should this change occur as a result of explicit planning decisions or "by default". To change the zoning of this parcel of land is to risk changing the vision of Centrepointe. The debate should focus initially on whether the vision of Centrepointe should change, and if it is determined that the vision of Centrepointe has or must change (a decision that should take place in conjunction with the residents and business operators of the community), then you should address this change in vision for the community as a whole, not on the basis of individual applications to re-zone parcels of land. To do the former is to fulfill your obligations to the city and the community in your capacity as planners. To do the latter is to abdicate your responsibilities to the taxpayers and residents of Nepean and Centrepointe.

A sub-issue is the matter of the setting of a precedent. If this parcel of land is rezoned which parcel will follow? On what basis does the city reject a re-zoning application for a different parcel when it has approved this one? At what point has the envisioned character of Centrepointe been changed to the point where it is not recognizable when compared to the original vision of the community? There in the dilemma lies. We, as residents of Centrepointe, must place our reliance on you regarding any changes to the development of our community, and inherent in this reliance is that you demonstrate an understanding of the need to accept applications to re-zone at the community vision level as opposed to on an ad hoc basis.

I recognize that city finances are a portion of the decision making process. Lot levies to the city are an important sources of funds, but they are only available on a one-time basis. Property taxes, on the other hand, are an annual contribution to city revenues. However, should the need for incremental property taxes (69 homes at an average of \$800/home for the City of Nepean = \$55,000 per year until such time as the property is developed commercially) override solid planning principles? In my opinion, the amount at issue is too small to justify ignoring the big picture.

I would like to see the overall vision of Centrepointe addressed prior to accepting the application to re-zone. What should the community look like in five years? In ten years? In twenty years? The economic conditions that existed in the early 1980's as Centrepointe was being planned have changed. However, the existing conditions are only relevant as they pertain to expectations for the future. Where is the local economy going? How long will it take to get there? What impact do these expectations have on the vision for Centrepointe? All of these questions must be answered in a comprehensive, integrated fashion, before changing the zoning of any parcel of land. If you allow the reverse, to change the zoning before addressing the future of Centrepointe, you have lost the opportunity to design the most appropriate use of the land at issue in achieving that vision. If, after addressing the "big picture" issue it is determined that the re-zoning of the Tallwood/Centrepointe area is appropriate, then you can re-zone it. Time is not of the essence here - at least not for Nepean.

Let me close with a short anecdote. Several years ago I held a position that required that I make critical decisions regarding large sums of other peoples' money in an environment where I could not know all of the facts until after the decision was executed. The partner to whom I reported provided me with this guiding principle - "If you can look your mother in the eye and tell her that the decision was in her best interests even though the end result was financially painful to her, then you have made a good decision - anything less than this standard is not acceptable". Ladies and gentlemen, as you contemplate this application to rezone, keep that guiding principle in mind. You are charged with the responsibility of ensuring that the vision of Centrepointe does not change by default, but as a result of explicit decisions that will stand the scrutiny of "your mother" - be prepared to look us in the eye and explain all of the reasons for your decision.

Yours truly,



Ronald Benn

cc: Mayor Franklin
Councillor Chiarelli
Councillor Collins
Councillor Farnworth
Councillor Larsen
Councillor Rywak
Councillor Sullivan

~~Regional Councillor Loney~~