

MINUTES

PLANNING AND ENVIRONMENT COMMITTEE

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

CHAMPLAIN ROOM

23 FEBRUARY 1999

3:00 P.M.

PRESENT:

Chair: G. Hunter

Members: D. Beamish, M. Bellemare, B. Hill, P. Hume, J. Legendre, A. Munter,
W. Stewart

Regrets: R. van den Ham

CONFIRMATION OF MINUTES

That the Planning and Environment Committee confirm the Minutes of the Meeting of 09 February 1999.

CARRIED

ENVIRONMENTAL SERVICES ITEM

1. ZONE 2C ELEVATED WATER STORAGE TANK
ENVIRONMENTAL ASSESSMENT

- Director, Engineering Division, Environment and Transportation Department report dated 04 Feb 99

Jim Miller, Director, Engineering Division and Ziad Ghadban, Engineer, appeared before the Committee on this item. Mr. Miller provided an overview of the staff report.

Councillor Bellemare, had questions concerning the last water storage tank built in the Region. Andre Proulx, Director, Water Division advised the last storage tank was built at Innes Road approximately 15 years ago. He estimated it was half the size of the proposed water storage tank and would therefore have been approximately half the cost. On the

- Notes:
1. Underlining indicates a new or amended recommendation approved by Committee.
 2. Reports requiring Council consideration will be presented to Council on 10 March 99 in Planning and Environment Committee Report Number 27.

issue of whether or not it would have been evaluated in the same way, Jim Miller, Director, Engineering noted the process has changed, in that the construction of the Innes Road tank would have predated the Environmental Assessment Act.

Councillor Bellemare had further questions concerning what the cost of the proposed water storage tank included. Mr. Miller advised the price would include such things as access to the site, valving, ongoing verification and assessment.

The Committee then heard from the following delegations:

Rhea Nicholson, President, Civic Affairs Committee, South Keys, Greenboro Community Association, advised she had been a resident of the area since 1979. Ms. Nicholson began by offering the community's praise for the ward Councillor, Dan Beamish and the way in which he has kept the community informed on this issue.

Ms. Nicholson stated it would appear her Ward is being "dumped on"; noting a housing project had been approved despite objections from the community, the snow dump and a rail way yard are located there and now a water tower is proposed. She expressed dismay the location chosen was based on cost despite the fact that it will last 50 years and is not supported by the community. She felt the fact the Region was going against the wishes of the residents, indicated it had no respect for the community and felt the time the residents spent providing input on this issue was totally wasted. She urged the Committee not to support the staff recommendation and instead to support the location of the water storage tower on the land behind the snow dump.

Councillor Stewart asked the delegation to expand on why the community does not want the water tower located in front of the snow dump. Ms. Nicholson replied if the water tank were located in front of the snow dump, it would be fronting on Conroy Road and would be the focal point on entering the community and would not be very visually pleasing.

Brian Hawley, Fairlea Community Association, advised the Fairlea Community is north of the hydro tower and north-west of the snow dump. He said he was part of the group that proposed that the water tower be located behind the snow dump, and did so in the interest of preserving green space. Mr. Hawley went on to point out that green space is at a premium in this area, noting it has recently lost a great deal of green space owned by the NCC. He said the majority of residents in the community are of a lower income and do not have access to alternative green space (i.e. country homes, etc).

Mr. Hawley noted in scientific circles, there is always the opportunity to challenge studies, however, in this instance, there has been no opportunity to challenge the findings of the staff report.

The speaker pointed out other benefits of locating the water tower behind the snow dump, namely, an access road already exists (it may have to be updated but it does exist) and the land of the staff proposed site, fronts on Conroy Road and could be sold at a much higher profit than the land behind the snow dump.

In closing, Mr. Hawley offered comments concerning the public participation process. He noted there was a great deal of confusion concerning the information provided and although a third public meeting was held to sort out the confusion, he said he was not convinced this confusion was resolved.

Barbara Barr, Civic Affairs Committee, South Keys Greenboro Community Association, expressed her disappointment with the staff recommendation. Ms. Barr noted Ottawa South is separated from the rest of Ottawa by a rail way track, and much like a river, there are only a few places at which you can cross. She said a huge water tower placed at the gateway to the community will be an eyesore.

Ms. Barr said the Fairlea and the South Keys Greenboro Communities are willing to have the water tower in their “backyard” (i.e. behind the snow dump) but they do object to having it in their “front yard”. She pointed out the present water tower is not fronting on Alta Vista Drive, but rather is set back. The residents of South Keys Greenboro want their community to look good; she spoke of the esthetic value and the impact on housing prices and future development, locating the water tower in front of the snow dump, might have. She asked the Committee to take these hard to measure values into consideration and support the location of the water tower behind the snow dump at site 11C.

Peter Stockdale, President, Fairlea Community Association, spoke against the staff report and noted it was his community association which recommended the water tower be located behind the snow dump. He said much of the green space in this area is being sold (e.g. land owned by the Ottawa Board of Education and the NCC) and he noted it is the green space that makes this community livable. He advised the ecologically significant area of Conroy Swamp (now known as the Greenboro Turtle Head Nature Area) is fed by over 50% of its water coming from 3100 Conroy Road (i.e. the snow dump). Dr. Stockdale said the community sees locating the water tower behind the snow dump as a means to do something useful for the Region, while saving the valued green space.

Councillor Beamish asked the speaker to highlight some of the local environmental features. Dr. Stockdale replied in the green space there is a plant called dense sedge. He said this plant is quite rare and is found only in one other area of the Region (Osgoode) and only a couple of other places in Canada (i.e. Georgian Bay and Prince Edward Island). It has survived thousands of years, since the end of the ice age. If the Region disposes of

this land, this grassy material will be gone. Dr. Stockdale also pointed out further development in the area (other than the water tower) will jeopardize Conroy Swamp.

Bob Perkins, Hunt Club Park Community Association, pointed out the aerial photo being used by staff was out of date and advised that much of the green space shown was currently being developed. Mr. Perkins went on to express his disappointment with the entire process, noting notice for one of the meetings was never delivered to the residents (due to a problem with Canada Post) and notice for the second meeting, arrived on the day of the meeting. As well, the initial report had many inconsistencies; he said staff rated sites on a scale of one to three, however, certain sites could actually score a zero. He said the site recommended by the community was disregarded because of price, even though it was the second highest scoring site and no other sites were disregarded on this basis. He said the majority of the residents (including the Ottawa Business Park tenants) in the surrounding communities are in favour of site 11C, behind the snow dump. He said the Region should take into account the effect on the property values putting the tower at the staff proposed site of 11B will have over the term of this project (i.e. 50 years). He pointed out the difference in cost between the two sites (i.e. \$500,000) would be similar to the cost of radio and television advertising the Region has recently been carrying out.

Stephen Harris, Vice President, Civic Affairs, Hunt Club Park Community Association, confirmed earlier statements that large portions of the residential and business communities are not shown on the map provided by staff. Mr. Harris also stressed the site proposed by staff on Conroy road is much more marketable than the interior site that has a lot of environmental concerns. He noted this area is the gateway to Hunt Club Park and Greenboro and the water tower has the potential to be extremely unsightly; he felt the Committee should seriously consider the visual impact the water tower will have on the community. He urged the Committee to support the Community Association's recommendation to locate the water tower behind the snow dump.

Councillor Stewart asked staff if the three (11 series) sites were identified before the public meetings were held. Mr. Ghadban advised sites 11A and 11B were identified prior to the open houses; site 11C was identified before the open houses but was really elaborated on at the open houses.

Councillor Stewart had further questions concerning the land located on Conroy Road and whether it was salable. Mr. Tunnacliffe replied the entire parcel of land (except for the snow dump) had been declared surplus and the Region would be trying to sell it once the location of the water tower is determined. Councillor Stewart asked what value had been put on the finger of land between the rights-of-ways. Doug McCaslin, Manager, Property Acquisitions Branch, estimated the lands fronting on Conroy road would be worth in excess of \$100,000, depending on the purchaser. The lands behind the snow dump would

be worth less (approximately 1/4 or 1/5th of the lands at the front) because of servicing needs.

Councillor Stewart expressed concern about Conroy Swamp and noted provisions would have to be made to protect this natural feature and questioned whether this would affect the lands salability. Mr. McCaslin stated the land at the back of the snow dump is part of a draft plan of subdivision and he said he believed there were conditions in the draft plan that speak to the issues of drainage and the dense sedge, etc.

Councillor Stewart asked for a staff response to the comment made by a speaker that the community had no opportunity to challenge staff conclusions. She said it was her belief this was a very comprehensive and transparent public consultation. Mr. Miller advised the staff report was released a few days early to provide the public with the opportunity to review and provide further input. Mr. Ghadban added the three open houses were held to try to get as much input from the public as possible. He acknowledged there was the problem with Canada Post with regard to the delivery of the fliers, however, Councillor Beamish had advertisements for the open houses in the local papers, in addition to the advertisements placed by staff.

Councillor Stewart asked if any complaints had been received from any of the residents of the Fairlea Community with regard to the visual impact of locating the water tower at site 11C. Mr. Ghadban replied the residents of Fairlea are willing to accept site 11C and any visual impact it may have, on the condition of the Region retaining the green space.

Councillor Legendre referring to page 4 asked why staff would have examined site 11A and not 11C. Mr. Ghadban replied staff looked at site 11A (the clearing just below the hydro line) as they felt it would have a very minor impact on the environment; as well, they looked at site 11B, at the other end of the property, fronting on Conroy Road. He said staff were of the opinion these two sites (at either end of the property) addressed as many concerns as possible.

Councillor Legendre questioned how many other sites there were in this area that staff did not investigate. Mr. Ghadban stated when constructing an elevated storage tank (above 45 to 50 metres) the costs escalate. Staff did an initial screening of all potential vacant properties within the study area that met the 90 metre elevation and were within 1.5 kilometres of a feedermain. He said Dr. Stockdale brought to staff's attention the 3100 Conroy Road location (site 11C) and because it was a Regionally owned site (which would lower the land costs) staff did pursue it. He said although this site has a lower elevation than 90 metres it was not enough to make costs escalate.

Councillor Beamish commenting with respect to the delivery of the fliers for the public meetings stated it was more than a "minor screw-up" by Canada post. The first time the

fliers did not go out at all; the second time they came tucked inside “junk mail” on the afternoon of the meeting.

The Councillor went on to advise this matter had been very contentious in the community, particularly when the staff recommendation became public. He felt the community had taken a very reasonable position and had been very responsible about the whole issue, noting no one wants a huge water tank in their community. He said in this case, the Community has accepted a water tower is a necessary evil and has proposed site 11C, in exchange for the Region retaining the rest of the site as public green space.

With respect to this green space, Councillor Beamish pointed out the land was purchased by the Region for the inner ring road and this is no longer in the Official Plan. He noted the community has been asking the Region to retain this piece of green space for a number of years and in fact fought an attempt by the Region to rezone this property four or five years ago. The Councillor pointed out a number of development constraints on this land, noting it is under serviced (almost inaccessible), located behind a snow dump and beside the railway right-of-way. In addition, there are a number of environmental constraints (e.g. this is the recharge area for Conroy Swamp, contains dense sedge and trembling aspen trees) that will make it very difficult to market.

Councillor Beamish pointed out this is not the wealthiest community in Ottawa-Carleton, it is very densely populated and is very much under served in terms of recreational facilities. Residents of the neighbourhood make use of this green space property with informal pathways for walking and cycling; most of the people in the community do not have access to cars or to the Greenbelt. Referring to Schedule I of the Regional Official Plan, Councillor Beamish noted one of the recreational pathways runs through the subject property; this pathway links Mer Bleu Swamp in the east and McCarthy Woods and the Rideau River Corridor in the west.

In concluding his remarks, Councillor Beamish urged the Committee to accede to the wishes of virtually all of the community and support his motion to approve Site 11C as the location for the water tower and retain the remainder of the property as green space.

Councillor Stewart asked if the “remainder of the property” included the frontage on Conroy Road. Councillor Beamish indicated it did not. Councillor Stewart felt this should be clear. Councillor Beamish agreed to add the words “west of the snow dump” after the word “property” in the second part of his motion, to clarify this.

Councillor Stewart, speaking to the motion, noted this community has already lost part of its recreational green space with the loss of the Heron/Walkley lands and she agreed the community needs this green space. She felt the proposal was a good compromise and concurred with previous speakers about the environmental significance of this land. She

thanked staff for the excellent job they did and stated she would be supporting the community and therefore Councillor Beamish's motion.

Chair Hunter asked staff if there would be any significant operating difference between the two sites (11B and 11 C). Mr. Miller noted site 11C will require 700 metres of extra water main, however, in terms of maintaining the force, it will be engineered to have the same hydraulic performance.

Chair Hunter then said he had a minor problem with Councillor Beamish's motion, noting it was not usual for the Region to maintain active or passive recreational areas. He suggested, if this is approved, that an agreement be sought with the City of Ottawa, similar to what was done for surplus lands at Hunt Club Road and Greenbank. Councillor Beamish indicated this was certainly possible and noted the community is looking at land trust agreements and other ways to maintain the property.

The Committee then considered Councillor Beamish's motion.

Moved by D. Beamish

Whereas a community consensus has been reached in the matter of the relocation of the Alta Vista Water Tower;

Therefore Be It Resolved that That Planning and Environment Committee recommend that Council approve the following:

1. **Confirm the preferred location of the new Zone 2C Elevated Water Tank be on the Regionally owned property immediately west of the Conroy Snow Dump (site 11 C);**
2. **The remainder of this property west of the Snow Dump, not required for the water tower, be retained by the Region as a natural environment area for use by the community as a passive recreational area;**
3. **Staff be directed to:**
 - a) **Enter into discussions with the community for the long-term management of the property; and,**
 - b) **Initiate a re-zoning application at the City of Ottawa to ensure the intent of public green space on this property.**

CARRIED as amended

2. KILBORN AVENUE TO SMYTH ROAD FEEDERMAIN LINK ENVIRONMENTAL ASSESSMENT

-Director, Engineering Division Environment and Transportation Department report dated 27 January 1999

That Planning and Environment Committee recommend that Council confirm the preferred route for the new Kilborn Avenue to Smyth Road Feedermain Link as outlined in the recently completed Environmental Screening Report dated January 1999, that being Route 1A, which includes the City of Ottawa's Grasshopper Hill Park, Fairbanks Avenue, Billings Avenue, Highridge Avenue, Roger Road and Highland Terrace.

CARRIED

3. CONSTRUCTION AND DEMOLITION WASTE MANAGEMENT

- Response To P & E Motion No. 2-98
- Environment and Transportation Commissioner's report dated 21 January 1999

That the Planning and Environment Committee receive this report for information.

RECEIVED

JOINT ENVIRONMENTAL SERVICES AND PLANNING ITEM

4. STORMWATER FLOWING FROM HOME DEPOT SITE, KANATA

- Environment and Transportation Commissioner's and Planning and Development Approvals Commissioner's joint report dated 27 January 1999

Councillor Munter sought clarification on the report. Andrew Hope, Senior Project Manager, Development Approvals - District 3, confirmed there was a requirement in the draft plan of subdivision for a stormwater design plan and this condition was signed off on by the requisite entities, including the Ministry of Natural Resources (MNR) who was at the time the lead stormwater agency. Subsequently, it was noticed what was approved was insufficient, and so, mitigation measures were developed in that the Region asked the City of Kanata to include this condition in the site plan and this was done.

In response to further questions from Councillor Munter, Mr. Hope advised the MNR use to approach individual applications on a site-by-site basis. However, over time it was learned these matters could not be approached in isolation of other planning applications and so a change in philosophy was undertaken. The subdivisions currently draft approved and registered are now looked at more comprehensively in terms of sub-water sheds.

Councillor Munter asked if in this instance, the ability to have adequate and proper storm water management was gone. Mr. Hope responded, in terms of the prevailing standards of the day (i.e. the subdivision was approved in 1991) it was believed there was adequate storm water management. He agreed the current stormwater management plans are subject to greater rigour and review.

Councillor Munter noted the Conservation Authority is concerned about this site and asked if Regional staff also had concerns. Mr. Hope confirmed staff did have concerns. Councillor Munter then asked what could be done about it. Mr. Hope advised the subdivision that includes Home Depot, has been registered, however, there are other blocks within that subdivision which will be accommodating other uses and these applications will come through the site plan approval process. The City of Kanata is the approval authority for the site plans and Regional staff will be working with the City of Kanata to encourage them to use the more rigorous standards of review for these stormwater site management plans.

Councillor Munter noted it is possible to reopen a subdivision agreement with the consent of both parties and asked if staff had pursued this avenue. Mr. Hope indicated staff had not done so and advised it would be unlikely the Region would get the consent of the owner in this instance. However, he agreed staff could request their consent.

The Committee then heard from the following delegation.

Murray Chown, Senior Planner, Novatech Engineering, advised he was the planner involved with this site and stated he wished to clarify two things. First, the water shed stormwater plan has been implemented and approved. Second, there is some level of storm water quality control, it may not be up to the standards of 1999 however, there is some quality control in place.

Councillor Munter indicated he would be moving a motion to direct staff to consult with the City of Kanata staff and the landowners with respect to development that inadequately treats stormwater.

Committee Chair Hunter asked the Councillor to expand on his level of concern. Councillor Munter replied that parking lots and large retail developments should be

treating runoff (which would be tainted gasoline and oil products) to a level that protects the water shed.

Councillor Stewart, referring to page 16 of the staff report, noted staff have indicated because of constraints on Regional resources, the Transportation Department no longer reviews these applications. She asked staff to comment on the cumulative impact this would have. Jim Miller, Director, Engineering Division replied site plan review is a responsibility of the area municipality but the Water Quality Committee attempts to deal with these issues of water sheds. The Region's mandate, as per the Regional Official Plan, endeavours to encompass this, however, because of constraints they are not reviewed on a site plan by site plan basis.

Nancy Schepers, Director, Water Environment Protection Division, added the Water Quality Committee has gone through a process of developing and assessing, with the various partners, all of the site conditions that exist through existing master drainage plans or sub-water shed plans and this is provided as a resource to all area municipalities. She said it would be a duplication for two agencies to be reviewing subdivisions, particularly when the conditions are quite clear. Ms. Schepers said in the end, if it works correctly, there should be no net impact on the water quality.

Councillor Stewart asked what the role of the Region is at this point. Mr. Miller advised the Region's role is that of policy maker and coordinator but it does not grant approval at the site plan level. The Councillor then asked if staff were confident, if a development, such as this, had a negative impact, the Region would be able to pick up on it. Ms. Schepers replied through the Region's monitoring program, staff are able to detect anomalies and then research where they are coming from. She stressed the Division is very active with respect to surface water quality.

Councillor Hill questioned the necessity of the actions set out in Councillor Munter's motion, at this late date.

The Committee then considered the motion.

Moved by A. Munter

That staff be directed to consult with City of Kanata staff and the landowners to try to put in place a solution to the pollution problems caused by developments that inadequately treat their stormwater in the subject subdivision.

CARRIED as amended
(B. Hill dissented.)

PLANNING ITEMS

5. AN UPDATE AND REVIEW OF STRATEGIES FOR THE PROTECTION OF SCHOOL SITES

- Planning & Development Approvals Commissioner's and Social Services Commissioner's joint report dated 5 February 1999

Marni Cappe, Policy Planning Branch Head and Mr. Scott Manning, Planner, Planning and Development Approvals Department, provided the Committee with an overview of the staff report, using a Power Point presentation (copies of the presentation slides are on file with the Regional Clerk). In the course of the discussion, Ms. Cappe indicated the Region would not be able to obtain school sites at no cost if the school boards do not need them. The boards would have to turn them over to the Ontario Realty Corporation who would sell them at market value. School boards could sell or lease buildings themselves, however, it is not likely they would do this because they would not make enough to build new schools where needed.

Committee Chair Hunter related a discussion he had had with a superintendent from the Ottawa-Carleton District School Board. According to this superintendent, classrooms were built to accommodate 35 students per class. Bill 160 dictates classes should have 22 to 28 students. Therefore there are 7 extra student places in each classroom that cannot be used because of the legislation, but must be calculated in. The Chair noted this "Catch 22" would prevent school boards from ever reaching the 100% level of occupancy.

In response to Chair Hunter's comments, Ms. Cappe confirmed this and noted the formula is very complex. In addition to the anomaly identified by the Chair, there are other complications with the formula and this is why the primary direction to the Ministry has to be to introduce some flexibility to this model. Ms. Cappe said she was not sure what the Ministry of Education and Training is doing to correct the anomaly referred to.

Chair Hunter indicated he did not have a problem with the staff recommendations and said he heartily supported recommendation No.1, because it would allow schools to be built in the suburban areas and would not pit one part of the community against the other.

The Chair went on to point out that school closures have been a fact of life since the 1970's in this community and across Ontario, due to the declining birth rate. He suggested a method of dual zoning used by the City of Nepean for school sites would allow the community to know in advance what the property would be used for should the school be closed.

The Chair went on to comment on the fact that schools have been paid for largely by local property tax payers, and he felt it offensive to see money made through the sale of schools leave the community. In his opinion if the community paid for a school, it should retain the assets.

Councillor Legendre expressed his support for the staff recommendations. He felt, however, the first recommendation was overly restrictive in talking only about the two zone model. He suggested a multi-zone model should be proposed, noting the geographical territory covered by at least one of the French language school boards extends far beyond Ottawa-Carleton. He indicated he would be moving a motion to amend the wording of recommendation 1 to speak to multiple zones and specifically refer by example to one zone for inside the Greenbelt and another for outside the Greenbelt. He asked that staff provide him with appropriate wording for this motion.

In response to Councillor Legendre's comments, Ms. Cappe said staff approached this issue thinking how it would apply in Ottawa-Carleton. She could not say how the two zone model would affect the French Language School Board. She indicated that through discussions with representatives of the French Catholic School Board, they indicated it was more practical to press for the 80% utilization rather than relying on the zone concept because of the large territory they cover.

Councillor Munter noted staff had looked at an Official Plan Amendment to retain schools as schools sites; he pointed out the original discussion was broader, in that the talk centered around retaining school sites for public uses. The Councillor asked staff to comment on this. Ms. Cappe indicated the same considerations would apply to either use and when staff considered this, the bottom line was that a ROPA would not keep schools from closing. If school boards deemed that certain schools were to be closed, there would be a very limited number of public agencies that would be able to afford to buy these schools and install community uses there. Ms. Cappe also referred to the new regulation that no longer make schools available at no cost to public agencies.

Councillor Munter felt implementing an Official Plan Amendment to retain school sites for public use only, would make it difficult for the Provincial government to sell the closed schools to developers and keep them from realizing a profit from these closures. Ms. Cappe replied staff determined this would not be a very effective way of keeping schools in public use. She said if there was no public agency willing to purchase the building when the Ontario Realty Corporation offered it for sale, then it could sit vacant and fall into disrepair from lack of use. Staff felt a combination of strategies (i.e. minimize the number of schools that need to be closed and putting some responsibility on the Region to look at disposed school sites first) would be more effective and more positive to keep schools for community uses. The School Boards also believe they have more to gain by going through the Ontario Realty Corporation than trying to sell schools on their own.

Councillor Munter then inquired about the resolution passed by Council in December which asked staff to look at the issue of school facilities in new communities and measures the Region could take in order to expedite that (i.e. measures Mississauga had put in place for requirements in subdivision agreements, which was going to the OMB). Ms. Cappe advised the OMB had not yet rendered a decision on the Mississauga case, however, staff are monitoring the situation and a subsequent report would be presented to the Committee once the OMB has ruled on this case.

There being no further discussion on this item, the Committee considered Councillor Legendre's motion.

Moved by J. Legendre

That Recommendation 1 be amended by adding, after the words "... to adopt", "a multi-zone strategy generally and within Ottawa-Carleton specifically that it adopt:"

CARRIED
(B. Hill dissented.)

The Committee then considered the staff recommendations as amended.

That the Planning and Environment Committee recommend to Council that:

- 1. The Minister of Education & Training and the Premier of Ontario be asked to adopt a multi-zone strategy generally, and within Ottawa-Carleton specifically that it adopt:**
 - a) The Two Zone Model upon which to determine and provide for education needs, by establishing as Zone 1, the older established communities inside the Greenbelt and as Zone 2, the new, expanding communities outside the Greenbelt; and**
 - b) An 80% Utilization Rate for the funding model to allow greater flexibility in operating and planning for schools;**
- 2. An amendment to the Region's Official Plan not be prepared as this would not achieve Council's objective of preventing school closures;**

3. **That Council direct staff to develop a “Public Use First” property acquisition policy to consider, where appropriate, the joint acquisition or joint use of former school sites with other interested public bodies;**
4. **That the Province be requested to reimburse the Region for any costs incurred in the relocation of child care operations to new facilities.**

CARRIED as amended

6. DEFERRAL NO. 6 TO THE CITY OF OTTAWA'S OFFICIAL PLAN AND THE NCC'S APPEAL OF ZONING BY-LAW 20/20Z

- Planning and Development Approvals Commissioner's report dated 13 January 1999

That Planning and Environment Committee recommend that Council lift Deferral No 6 to the City of Ottawa's Comprehensive Official Plan and refer the affected sections to the Ontario Municipal Board as per the Approval Page attached as ANNEX 1.

CARRIED

7. TAGGART REALTY MANAGEMENT INC., LOCAL OFFICIAL PLAN AMENDMENT 45, CITY OF KANATA

- Planning and Development Approvals Commissioner's report dated 15 February 1999

Andrew Hope, Senior Project Manager, Development Approvals - District 3, provided the Committee with an overview of the staff report.

Doug Kelly and Paul Taggart, representing Taggart Realty Management Inc. appeared before the Committee.

Mr. Taggart advised Taggart Realty Management Inc. is attempting to obtain zoning and Local Official Plan Amendment (LOPA) approvals for a retail mall in Kanata. He said Loblaws and PenEquity, who are concerned about competition, have appealed the zoning and LOPA applications to the Ontario Municipal Board (OMB). He said his company had hoped (without the appeal) to be under construction in the Spring and open in the Fall of 1999. Mr. Taggart believes the primacy of the Regional Shopping Centre has been well established with the Wal-Mart store (in which his entire proposed mall would fit), one of the largest and most modern Loblaws in the Region, Chapters, a new hotel, the Region's largest cinema complex with 24 screens under construction and a variety of smaller uses. He felt his retail mall would not be any threat to their primacy.

Mr. Taggart, having lived in the area for ten years, opined Kanata is in desperate need of more retail of all kinds and noted studies have confirmed that even when the Regional Shopping Centre is fully built, Kanata will be under retailled. As part of this process, Taggart Realty Management was required to commission a retail study. Mr. Taggart advised Market Research Corporation, the company retained to do the study, concluded there is a need for retail on the Taggart site and its development will not adversely impact the Regional Shopping Centre.

In concluding his remarks, Mr. Taggart said the proposed mall will increase the much needed retail space in Kanata. As well, because of the site's close proximity to the Transitway System, ridership will increase with both employees and customers.

Mr. Kelly indicated his support for staff's recommendation. He advised Committee these lands were originally shown as residential on the draft plan application, however, through the circulation period it was determined this site would be appropriate for a commercial development. He noted the Regional Shopping Centre was moved from the south side of the Queensway to this location at about the same time. Taggart Realty Management agrees with and is content to comply with the policy in the Regional Official Plan (i.e. 10,000 square metre retail centre until the Regional Shopping Centre reaches 50,000 square metres) that has applied to other urban communities in the Region and should apply in this instance. Mr. Kelly asked that the Committee approve the staff recommendation.

Brad Lockwood, Real Estate Manager, Imperial Oil, representing Devon Estates (a subsidiary of Imperial Oil), the owner of the subject property. Mr. Lockwood provided the Committee with a history of the subject lands and noted Devon and Imperial Oil purchased the land on the basis of two agreements entered into by Penequity and the previous owners, that it would not object to a rezoning of the subject property provided the Regional Shopping Centre had reached 50,000 square metres or until 4 February 1998 (amended to 1 June 1996 by a later agreement) and provided the rezoning application was supported by a market study. Penequity is now objecting to this application.

Mr. Lockwood indicated the opponents to the application have not provided any evidence to refute the conclusions of any of the studies undertaken that support the application for a retail facility and it is his belief the conclusions presented in these studies were not flawed. Mr. Lockwood agreed with comments made by Mr. Taggart with respect to the primacy of the Regional Shopping Centre and the benefits the proposed development would have on Transit ridership.

The speaker noted Taggart has already self-imposed a limit on the size of the two anchor tenants for this development, namely 30,000 square feet and 20,000 square feet. Mr. Lockwood offered stores of this size are not a threat to the primacy of the Regional

Shopping Centre. He noted the Regional Shopping Centre already has either completed or under construction 40,000 square meters, with a further application by PenEquity to develop another 59,000 square feet. Mr. Lockwood urged the Committee to support the staff report.

Roslyn Houser, Solicitor for PenEx Kanata Limited, the owner of approximately 45 acres within the Kanata Town Centre, designated Regional Shopping Centre, appeared before the Committee. She presented her client's plans to develop the remainder of their land in the Regional Shopping Centre and indicated it has a strong pedestrian orientation with its retail tenants aligned along a city walk. The concept is very innovative and is significantly different from other types of development in this area.

Ms. Houser stressed the fact the Taggart land has a neighbourhood commercial designation and went on to explain this designation has a planned function to serve the daily and weekly requirements of a community (e.g. food stores, banks, etc.). The change proposed by Kanata LOPA 45 would significantly alter that plan. The designation would be changed from neighbourhood to community commercial and significantly increase the size from about 30,000 square feet to about a 107,000 square feet.

When Kanata Council adopted OPA 45, Ms. Houser pointed out, it disregarded recommendations from its own staff that stores over 10,000 square feet offering department store type merchandise, should not be permitted, because the primacy of the Regional Shopping Centre could be undermined. The speaker indicated her client shares the same concerns and she appeared before Kanata Council to express these concerns, arguing that redesignation of these lands would fundamentally alter the City's commercial structure by permitting uses on the Taggart lands which would be more appropriately located on Regional Shopping Centre lands. She also pointed out the Taggart group has approached tenants that PenEx is negotiating with for the Regional Shopping Centre.

Ms. Houser drew the Committee's attention to page 58 of the staff report, which identifies 8 significant problems with the retail study presented by Taggart. She also pointed out that Regional staff share the same concerns as her client that by permitting the wrong tenant mix on these lands, Regional interests in this area could be put in jeopardy. She expressed her disappointment that the concerns detailed by staff in the body of their report were not included in the recommendation. She asked that Committee amend the recommendation of the report to provide that LOPA 45 be modified so the tenant mix issue is highlighted.

Councillor Munter asked staff if it was their intention to bring forward this report to the OMB hearing and, as part of this report, the priority for neighbourhood commercial uses for this plaza. Mr. Hope confirmed it was staff's intent to do this.

Responding to questions from Councillor Hume, Mr. Hope referred to a City of Kanata report dated January 1999, which indicated there were 36,925 square metres on the Regional Shopping Centre site or approximately 400,000 square feet (including the AMC theatre).

At Councillor Hume's request, Ms. Houser explained although the size of the retail facility proposed by Taggart does not violate any of the policies in the ROP (i.e. 10,000 square metre retail centre until the Regional Shopping Centre reaches 50,000 square metres), it is her opinion, Regional priorities go beyond "number crunching". The Region has a stake in ensuring the Town Centres of its constituent municipalities mature and develop in a way the Region wants it to and the investments in infrastructure are maintained. Ms. Houser opined it is not good planning to alter the designation of a piece of property immediately adjacent to Kanata's Town Centre.

Councillor Hume then asked Ms. Houser to point out a policy in the ROP to support her request (i.e. to amend the recommendation to highlight the tenant mix issue). Ms. Houser deferred to staff on this query. Mr. Hope indicated the ROP sets the framework for retailing in the municipalities; it is assumed local municipalities will come forward with more detailed policies as to appropriate individual retail uses within individual centres. Kanata's Official Plan is particularly detailed in this regard. Nick Tunnacliffe, Commissioner, Planning and Development Approvals Department, added the ROP sets out the objectives but there is no specific policy concerning the tenant mix. Loblaws and PenEx have raised questions around the tenant mix but the Region is not in a position to judge those, it is really up to the OMB to make a decision on this.

Councillor Munter pointed out this report has a measure of support from all parties. Taggart is pleased the report recommends support of LOPA 45 and Ms. Houser is pleased the report contains expressions of concern about neighbourhood commercial, (even though it is not going as far as she would like). Given there is a relative measure of consensus by all parties on this report, Councillor Munter proposed this item be approved.

There being no further discussion the Committee considered the staff recommendation.

That Planning and Environment Committee recommend that Council support the approval of Amendment 45 to the City of Kanata's Official Plan by the Ontario Municipal Board.

CARRIED

8. LOCAL OFFICIAL PLAN AMENDMENT 46, CITY OF KANATA
- Planning and Development Approvals Commissioner's report dated 15 February 1999

Andrew Hope, Senior Project Manager, Development Approvals - District 3, provided Committee with an overview of the staff report. Mr. Hope drew the Committee's attention to part 6 of Modification 1 (pages 74 and 78 of the staff report) and noted the words "Large Retail Warehouses" had been inadvertently included and advised they should be removed.

Councillor Munter noted staff were basically saying the Terry Fox Business Park was suppose to be a "Business Park" with offices, etc. and not a proliferation of retail uses, for at least three years until the Kanata Town Centre is up and running. Mr. Hope confirmed this, with the exception of large retail warehouse uses such as Price Club/Cosco. The Councillor stated this exception concerned him. Mr. Hope advised the Regional Shopping Centre principals have indicated that retail warehouse uses the scale of Price Club could not be accommodated on that site. It is a retail form that there appears to be demand in the market place for and staff felt the only other possible location for this type of retail use would be in the business park. As well, based on the pattern of development in the Terry Fox Business Park (e.g. the Home Depot Store), it would be difficult to argue that a similar sized retail warehouse would not be compatible with the existing facilities.

In response to further questions from Councillor Munter, Mr. Hope advised that (as per a staff report from the City of Kanata) 36,925 square metres of gross leasable retail space, will have been built at the end of 1999.

Responding to questions from Councillor Hume concerning large retail warehouses, Mr. Hope advised, if Amendment 46 is approved, it would be staff's recommendation that existing zoning on the site be replaced. He went on to say the zoning by-law would establish standards for Retail Warehouses, Large Retail Warehouses and Planned Retail Centres but the use would have to be approved though a site-specific zoning by-law amendment. Councillor Hume then asked if the current zoning by-law would allow a Price Club/Cosco on the subject site. Mr. Hope said he would argue that it did not and pointed out Home Depot was able to locate there under a provision related to home renovation centres.

The Committee then heard from the following delegations.

Robin McKay, Planner, City of Kanata provided Committee with a history of this matter and noted it began in 1992 when Price Club expressed an interest in coming into Kanata. Kanata Council, wanting to fill a deficit of this type of retail and wishing to plan for this "new format retailer" decided to look at this comprehensively. Kanata staff brought forward two amendments, OPA 32 and 36, which zoned 250 acres of land (almost all of the Terry Fox Business Park and the north half of the Regional Shopping Centre site) as Big Box Retail. These OPAs were appealed by Loblaws.

Mr. McKay felt it important to note in 1989, the Terry Fox Business Park was zoned for box retailing; both the Kanata Official Plan and Regional Official Plan allowed retail warehousing. The zoning that is in place today allows stores such as Canadian Tire and Home Depot; what Kanata is trying to do is widen the zoning and take a comprehensive approach.

The speaker went on to say in 1997 Kanata settled with the owners of the Regional Shopping Centre over the issue of Canadian Tire and Home Depot, rather than proceeding through the Divisional Court hearing. Kanata agreed to do a comprehensive study paid for by the City; Coopers and Lybrand and Lloyd Phillips were hired to do a full market analysis. When this was completed in early 1998, staff took the position (similar to Regional staff's) that what was originally zoned (i.e. 250 acres) was too ambitious. In LOPA 46, 70 acres (as opposed to 250 acres) close to Highway 417 would be zoned for box retailing, while the traditional business park uses would be on Palladium Drive.

He explained Kanata's justification for zoning this type of retail beside a planned Regional Shopping Centre, was that it was concerned about having a store such as Price Club as part of the Regional Shopping Centre as this was not how Kanata Council envisioned the Centre and as well, it would not support the Region's transit objectives. Mr. McKay advised that Kanata, in conjunction with Regional staff, have undertaken another study on the Regional Shopping Centre site to determine the form that building should take and to decide whether to allow this new format to be part of that Centre. The owners of the Regional Shopping Centre site want to build an unenclosed mall, a collection of box stores and they are looking for the same permissions allowed in the business park.

Mr. McKay went on to say Kanata Council has done exhaustive studies and their position was to zone 70 acres for box retailing, as of right, in the Terry Fox Business Park. Kanata staff felt this was too liberal and felt controls should be in place and measures taken to prevent every big box retail application from being appealed to the OMB. He said if the Committee approved the staff recommendation with regard to site specific zoning, then Kanata would be dragged into OMB hearings for each application and he advised Kanata would ask the OMB to withdraw the Amendment. Kanata staff's position was that the land should be zoned for the uses and a holding symbol used; studies would be undertaken by the proponent and it would be up to Kanata Council (with no appeal rights for anyone) to decide whether each use would impact on the Regional Shopping Centre and whether or not it should be allowed.

In summary, Mr. McKay stated he believed Kanata Council would agree to the modifications proposed by Regional staff, with the exception of the site-specific zoning by-laws and the three year moratorium on Retail Warehouses and Planned Retail Centres.

Councillor Munter noted Kanata is a “hot real estate market” and if the Terry Fox Business Park was not allowed to put in large retail uses, the value of the land would still be quite high. Mr. McKay said with the retail permission, the value of the land in the Business Park would be a lot higher. He said the current permissions allow restricted retail such as Home Depot, appliance centres and carpet stores and he estimated the land (with these uses) would sell for \$200,000 per acre. For more traditional uses, such as industrial uses, values within the business park have been as low as \$60,000 per acre.

Michael Polowin, Solicitor, McCarthy Tetrault and Nancy Meloche, Planner appeared before the Committee on behalf of Sunlife (the owner of Hazeldean Mall), CIBC Development Corporation (the owner of land in the Terry Fox Business Park) and 790519 Ontario Inc. (the owner of the land on which Home Depot has been built). Mr. Polowin advised his clients support the staff recommendation completely. He offered the opinion that Kanata Council, went against what was recommended by their staff and consultants and basically gave in to the landowners for uncontrolled retail development.

He said the proposed 700,000 square feet of retail space in the Terry Fox Business Park, together with 500,000 square feet yet to be built on the Regional Shopping Centre site and the 100,000 square feet proposed by Taggart (LOPA 45) adds up to an additional 1.3 million square feet of new retail being allowed into Kanata without control. Mr. Polowin opined once this amendment is passed by the OMB, building permits could be issued the next day for this 1.3 million square feet of retail space. He submitted if landowners are wrong and the community cannot absorb 1.3 million square feet of new retail development, the Regional Shopping Centre will not be finished, the Terry Fox Business Park will not support the growth in jobs that is behind all of the economic projections that say retailing at that level is necessary and existing retail (i.e. the Hazeldean Mall) will die.

Mr. Polowin said he was sure others would say there was no Regional interest in this matter, however, he submitted the Region does have an interest in protecting the primacy of the Regional Shopping Centre, the Terry Fox Business Park employment centre and existing retailers. There are numerous policies in the ROP that speak to these issues and others such as transit objectives. In addition, Committee and Council are not limited to considering an amendment as to conformity with the ROP but also as the approval authority for the Minister of Municipal Affairs and Housing, regard must be had for the Planning Act and decide whether or not this is good planning. Mr. Polowin stated that uncontrolled retail development is not good planning.

The speaker then read from a letter to City of Kanata Council from his clients dated 17 November 1998, which related an event whereby a high technology firm immediately rejected a site in the Terry Fox Business Park as a possible location for its 250,000 square feet campus, as soon as it realized a Home Depot store was located in this business park.

Mr. Followin then commented on Mr. McKay's proposal to use a holding by-law, and offered this would give Kanata the unilateral right to allow retail development. He felt in doing this, Kanata would decide the market studies were unnecessary and proceed to approve all retail development. A site specific zoning by-law gives third party landowners to put the market and traffic studies to the test; if Kanata does not want to be involved at the OMB, they do not have to be. He urged the Committee to approve the staff recommendations and not allow the amendment proposed by Mr. McKay.

At Councillor Munter's request, Nick Tunnacliffe, Commissioner, Planning and Development Approvals Department confirmed the statements made by Mr. Followin, with regard to approving the LOPA, were correct.

Councillor Munter then asked the delegation if any of the measures proposed by Regional staff sterilize the land. Mr. Followin answered that none of these measures prevent anything.

Roslyn Houser, Goodman, Phillips & Vineberg appeared before the Committee on behalf of Penex Kanata Ltd., the owners of the land on which the Regional Shopping Centre is located. Ms. Houser expressed her support for the staff recommendations and in particular, the modifications they are recommending be made to LOPA 46.

Ms. Houser went on to note this Amendment was a culmination of many years of very detailed and careful consideration by Kanata's consultants and staff as to the manner in which to introduce retail onto lands that are industrially designated. At the same time, exercising the appropriate controls so as not to undermine the carefully planned existing commercial structure (including the unbuilt Regional Shopping Centre).

The speaker advised there is a shortage of available anchor tenants; she referred to previous speakers comments as to capacity and need in Kanata for retail however, there is not an unlimited supply of anchor tenants. Ms. House noted if these anchor tenants go to the Business park or other neighbourhood commercial facilities, then they are not available to go into the Regional Shopping Centre.

Ms. Houser, referring to a chart provided to members of the Committee (held on file with the Regional Clerk) gave a chronology of the events related to this item. She noted if one contrasted the recommendations of the Coopers and Lybrand study (March 1998) with the Kanata LOPA 46, there was a dramatic difference. LOPA 46, as approved by Kanata Council would allow as of right development for 700,000 square feet of new retail in the Terry Fox Business Park (without any controls, studies or secondary plans).

Referring to a comment made by Mr. McKay with respect to how onerous it would be to subject Kanata Council to the process of site-specific rezonings for individual retail stores,

Ms. Houser said she had been involved in commercial planning across the Province. She advised she had never heard of a municipal council saying (for a commercial application) they were not interested in scrutinizing the impacts it would have or of a council arbitrarily deciding to lift a holding zoning and excluding all other stakeholders. Ms. Houser said she was confident the OMB would never approve of this, as it is so contrary to the process set out in the Planning Act.

Ms. Houser drew the Committee's attention to her letter dated 23 February 1999 (held on file with the Regional Clerk), and asked that the Committee support her suggested replacement wording for Modification 1, section 2. Mr. Hope confirmed staff did not have a problem with this wording.

Committee Chair Hunter noted Regional Shopping Centres were defined in the 1980's, with the "traditional mall" with traditional anchor tenants, etc. in mind. He asked the delegation why the Region should be protecting Regional Shopping Centres if they are not building a Regional Shopping Centre per se (i.e. the stores usually found around a Regional Shopping Centre are now being put in the Regional Shopping Centres). Ms. Houser pointed out that "retail" has changed and there has not been an enclosed Regional Shopping Centre built since the 1980's. However, this does not mean there are not Regional Shopping Centre uses (i.e. they have changed in format but not function). Retailers can better serve their customers in larger outlets without the high rents of internal malls. Ms. Houser stated her client wants to meet the needs of its tenants and consumers in a very innovative way, not in the manner of South Keys.

In response to questions from Councillor Hume, Ms. Houser explained her client's plans for the Kanata Regional Shopping Centre, noting instead of having a long strip building with a sea of parking and no emphasis on pedestrians (as at South Keys), Penex is proposing a "City walk" concept with strong pedestrian linkages, trees and landscaping. It will be so different from South Keys, they are not comparable.

Janet Bradley, Gowlings and David Kardish Ms. Bradley advised she and Mr. Kardish were representing a number of landowners in the Terry Fox Business Park and she provided members of the Committee with a copy of the map contained in the staff report (page 91 of the staff report) highlighted to show her clients' lands.

Ms. Bradley noted her clients' lands in sections A and C on the map, have, since the 1980's been zoned for a form of big box use (e.g. home renovations store, furniture store, appliance store and other similar uses) and since 1989 (when they bought their land) her clients have never applied for an amendment to the Official Plan or Zoning By-law nor have they appealed anyone else's.

As a result of the zoning that has been on this land, Ms. Bradley pointed out there is a Canadian Tire store, a Staples (formerly Business Depot), a bank and a large Ford Dealership. She noted the commercial node, both east and west of Terry Fox Drive, is functioning very well. The lands south of Highway 417 (where the Home Depot is located) have fully registered plans of subdivision and development is well under way with the services installed and the roads constructed. Ms. Bradley said LOPA 46 continues this ongoing plan. She offered LOPA 46 does not permit unrestricted retail development but rather it is quite rigidly controlled retail in that it would not allow any development under 20,000 square feet. Ms. Bradley pointed out stores such as Winners, Danier or Harry Rosen would not be located on this land; only large users of space such as Home Depot, which is 22,000 square feet. She noted the zoning in place prior to LOPA 46 allowed retail uses of less than 20,000 square feet.

Ms. Bradley went on to address the three areas of the staff recommendations that were most problematic for her clients. First, the increase in minimum size from 20,000 to 30,000 square feet would restrict most of the big box stores (which are commonly between 20,000 and 30,000 square feet) such as the Future Shop. Second, the three year moratorium from the day of OMB approval which would likely be 2003. She noted the Regional interest has always been a form of protection for the Regional Shopping Centre, until that node reached 50,000 square metres. In the staff recommendation, there is no connection between the three year moratorium and the 50,000 square metres. The third issue is the site specific zoning that will be required for every single building.

The speaker noted there is only one policy in the ROP that applies to this circumstance; that is the policy that says until there is 50,000 square metres of retail space on the Town Centre lands there shall be no other 10,000 square metre retail facility. The intent of this was to have the Regional Shopping Centre up and running and not have other shopping centres of 10,000 square metres that would take away from the Regional Shopping Centre. Ms. Bradley offered that LOPA 46 took this Regional policy into account and she referred to page 85 of the staff report, Section 6.9.4.3 of LOPA 46. As well, on page 71, the 2nd last paragraph staff refer to the fact that “no other shopping centre may be developed”. The speaker offered that her clients have no interest in developing a shopping centre; they want to develop big box stores greater than 20,000 square feet.

Ms. Bradley referred to her letter dated 22 Feb 1999 (held on file with the Regional Clerk) to which was attached a letter dated 7 Jan 1998 to Regional staff, which confirmed advise from them that if her clients were to build four big box stores in a row (each under 10,000 square metres) they would not be considered a “shopping centre” as long as they were individual facilities, on individual lots.

In concluding her remarks, Ms. Bradley noted the Regional Shopping Centre is very close to reaching the 50,000 square metres and in fact, if the hotel that is being developed on

this site were included, it would be well over 50,000 square metres of development. She submitted the Region no longer needs to protect the Regional Shopping Centre as it is now an identifiable node. In her opinion, it would appear the only reason for staff's modifications to LOPA 46 is to encourage big box stores to locate on the Regional Shopping Centre site because they would be prevented everywhere else. Ms. Bradley questioned whether this was really what the Committee wanted to see happen. She asked that the recommendations of staff not be adopted but rather that LOPA 46 be approved as proposed by Kanata Council. In particular, Ms. Bradley urged the Committee not to approve the three year moratorium, the increase from 20,000 to 30,000 square feet and the site specific zoning by-laws.

Mr. Kardish, referencing comments made by Mr. Pollowin, noted he sold the land to the CIBC Development Corporation and they were well aware of Home Depot being located there when they purchased the land. He went on to point out the Coopers and Lybrand study, referred to by Mr. Pollowin, indicated over the next eleven years, there would be a demand for 1,973,000 square feet of new retail space in Kanata. As well, this study identified a 56 year supply of business park land in the City of Kanata and they felt the 70 acres of land to be designated for big box retail in the Terry Fox Business Park was justified.

In conclusion, Mr. Kardish stated his group of landowners has not objected to any other developers' actions in Kanata, but rather throughout this process, they have been forced to defend themselves in a "rear guard action". He felt this was not fair nor reasonable given the over one million dollars that has been invested in services for these lands, based on the belief these landowners had certain rights of development.

Peter Vice, Vice and Hunter, advised he was appearing on behalf of his client who owns 22 acres in the Terry Fox Business Park (14 proposed for retail and 8 acres for business park) and referenced as section B on the map on page 91 of the staff report. Mr. Vice indicated he supported the statements made by Ms. Bradley and stated his client would be satisfied if the submissions made by Ms. Bradley were acted upon by the Committee.

Mr. Vice then advised his client entered into an agreement with the Salvation Army for this land, which was to be the west campus of the Grace Hospital. When the Grace decided not to proceed, his client optioned the lands from them. At that time, Kanata was dealing with LOPAs 32 and 36; if LOPA 36 were in place all 22 acres of Mr. Vice's client's land could have retail on it. Mr. Vice also pointed out it was Loblaws that appealed LOPAs 32 and 36 and the implementing zoning by-laws and neither Mr. Pollowin's or Ms. Houser's clients were party to that.

Mr. Vice felt the position of Kanata Council to be the most reasonable position and offered there is no need for a 3 year moratorium, the site specific zoning by-law or the

increase from 20,000 to 30,000 square feet. Mr. Vice noted the staff report only refers to the Coopers and Lybrand report but there were a number of other studies that were undertaken and Kanata looked at all of these. With respect to a comment made by Mr. Pollowin regarding his contention that Ms. Bradley and Mr. Vice would argue there was “no Regional Interest”, Mr. Vice stated in fact there is a Regional interest. That being the Regional Shopping Centre, however, it has attained 50,000 square metres and all of the other matters are of local interest.

In response to questions from Councillor Hume, Mr. Vice offered that having the requirement of a minimum size of 20,000 square feet for retail development in the business park would address Mr. Pollowin’s concerns about the two sites competing for the same tenants. With leave of the Committee, Mr. Pollowin responded to this and stated the 20,000 to 30,000 square foot requirement would not address the concern of Hazeldean Mall with respect to the poaching of tenants and, by way of example, noted Zellers is 100,000 square feet.

Having heard from all public delegations, the matter was returned to Committee.

Referring to comments made by Mr. Vice that the position of Kanata Council was most reasonable, Councillor Munter felt it important to note that Kanata Council did not have a position. They basically were worn down by all of the conflict, disregarded the advice of their staff and consultants and chose to send LOPA 46 off to the OMB and let them make a decision on it. Councillor Munter opined that Regional staff, in their proposed modifications, were trying to put in place some ground rules to protect the Regional interest, as well as good planning principles.

The Councillor felt it important for the Committee to keep in mind that Hazeldean Mall, is an established shopping centre in the Kanata Town Centre and pursuant to Section 4.7.1 of the ROP, protecting this retail concentration is important and in the Regional interest. As well, Terry Fox Drive, which is a Regional Road, is unable to handle the traffic it has now. If more big box retail stores are located here, the Region will be asked to put more money in the budget to expand Terry Fox Drive. This is not in the Region’s 10 year plan and some other project would have to be displaced to accommodate this.

Councillor Munter noted the Terry Fox Business Park has extraordinary economic development potential and he felt limiting this potential marginally for 3 years in order to accomplish some other very important planning goals would not be an unreasonable request. He indicated he would be moving an amendment to reinstate in the report, the moratorium for three years on “large retail warehouses” and he urged the Committee to support his amendment and the staff recommendations.

Councillor Hume stated he had sympathy for Hazeldean Mall but he said he was not interested in restricting development or taking away someone's rights so that big box retailing can go in the Regional Shopping Centre. He questioned what could be done to protect Hazeldean Mall without implementing punitive measures. Mr. Hope urged the Committee to consider the package of modifications proposed by staff which he felt would help protect Hazeldean Mall. He said he did not view the site specific zoning by-law requirement as a punitive measure. As well, he expressed concern about the proposal for a holding zone, which could be argued is an abuse of the appeal process.

The Committee then considered the motions before it.

Moved by A. Munter

That the report be amended to reinstate the moratorium for three years on "large retail warehouses" as originally presented in the text of the report.

LOST

NAYS: M. Bellemare, P. Hume, W. Stewart, G. Hunter....4

YEAS: A. Munter....1

Councillor Stewart agreed to move the wording suggested by Ms. Houser in her letter of 23 February 1999 with respect to Modification No. 1, Section 2.

Moved by W. Stewart

That Modification No.1 Section 2 be amended by replacing it with the following:

Implementing zoning-by-law amendments shall establish standards for a Retail Warehouse, Large Retail Warehouse and Planned Retail centre, including minimum and maximum lot area, parking and loading requirements as well as gross leasable area, building height, setback and landscaping provisions, but, subject to subsection 6 herein, site specific zoning by-law amendments shall be required to permit such uses .

CARRIED
(P. Hume dissented)

The Committee then considered the staff recommendations as amended.

That Planning and Environment Committee recommend that Council approve Amendment 46 to the City of Kanata's Official Plan as modified by the Approval Page attached as Annex 1 (as amended by the following) and that staff be directed to issue the required "notice of decision":

- 1. That Modification No.1 Section 2 be amended by replacing it with the following:**

Implementing zoning-by-law amendments shall establish standards for a Retail Warehouse, Large Retail Warehouse and Planned Retail centre, including minimum and maximum lot area, parking and loading requirements as well as gross leasable area, building height, setback and landscaping provisions, but, subject to subsection 6 herein, site specific zoning by-law amendments shall be required to permit such uses .

CARRIED as amended
(P. Hume dissented.)

Tim Marc, Manager, Planning and Development Law, noted because of the Ontario Municipal Board mediation beginning on 2 March 1999, staff would be taking the unusual position of taking forward the position of Planning and Environment Committee as the position of the Region. Mr. Marc stated staff felt it was more important to allow this item to go to Council in regular course and be considered in full on 10 March 1999, as opposed to rushing it on to Council's budget meeting on 24 February 1999.

ADJOURNMENT

The meeting adjourned at 9:00 p.m.

COMMITTEE COORDINATOR

COMMITTEE CHAIR