

**2. LOCAL OFFICIAL PLAN AMENDMENT NO. 24 -
CITY OF NEPEAN (TRINITY DEVELOPMENTS)**

COMMITTEE RECOMMENDATION

That Council approve Local Official Plan Amendment 24 to the City of Nepean Official Plan and that the Clerk issue the Notice of Decision attached as Annex 1.

DOCUMENTATION

1. Planning and Development Approvals Commissioner's report dated 25 Jul 2000 is immediately attached.
2. An Extract of Draft Minute, 08 Aug 2000, immediately follows the report and includes a record of the vote (Note: Items 1 and 2 were considered together by the Committee; the text of the discussion is contained in the Extract of Draft Minute attached to Item 1).

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf.	14-00-0019
DATE	25 July 2000
TO/DEST.	Co-ordinator, Planning and Environment Committee
FROM/EXP.	Planning and Development Approvals Commissioner
SUBJECT/OBJET	LOCAL OFFICIAL PLAN AMENDMENT 24 CITY OF NEPEAN (TRINITY DEVELOPMENTS)

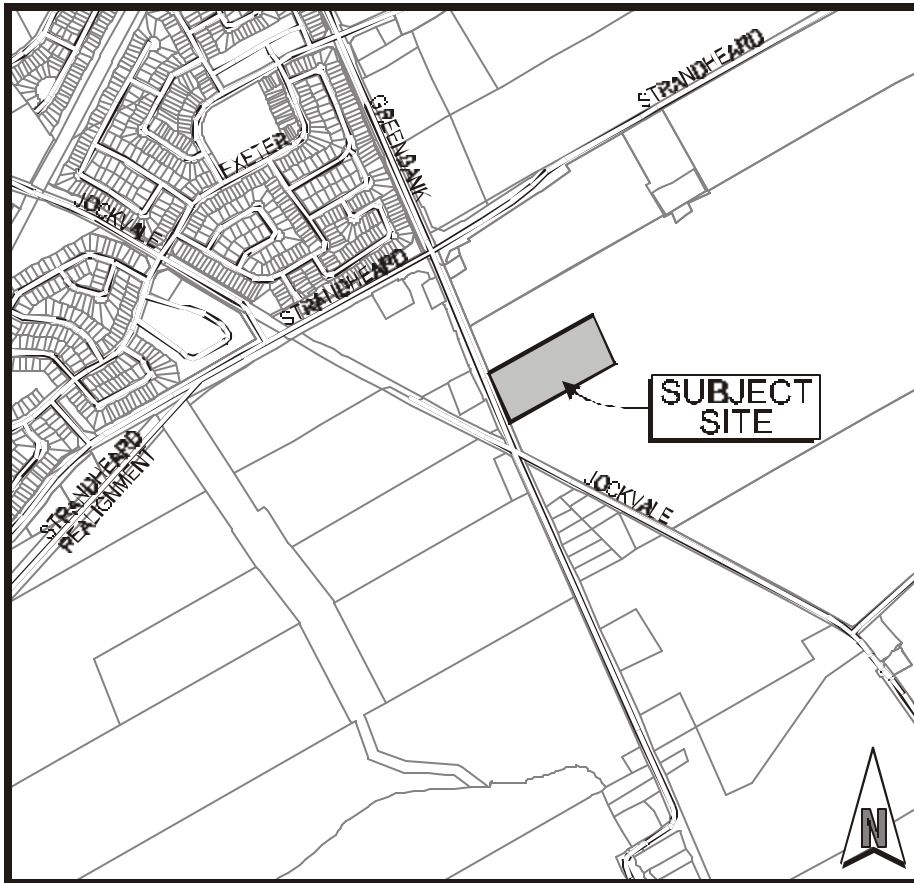
DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee recommend that Council approve Local Official Plan Amendment 24 to the City of Nepean Official Plan and that the Clerk issue the Notice of Decision attached as Annex 1.

INTRODUCTION

The Council of the City of Nepean adopted an amendment to its Official Plan on 04 May 2000 and submitted the same to the Region for approval on 18 May 2000. Official Plan Amendment No. 24 is attached to this report as Annex 2. The purpose of Amendment No. 24 is to expand the geographical limits of the District Retail designation within the Secondary Plan for Area 7 of the Nepean Official Plan. The amendment affects approximately 2.5 hectares of land located on the east side of Greenbank Road south of Strandherd Drive as shown on the plan on the following page.

The subject lands are located within the South Nepean Activity Centre which were part of the approval for Nepean Official Plan Amendment No. 7 and the associated secondary plans. The detailed land use policies for the Activity Centre are provided in the Secondary Plan for Planning Area 7. The policies for the Activity Centre provide for a mixed use urban area intended to serve as the “downtown” for South Nepean.



The lands immediately to the north of the subject lands are designated as “District Retail” in the Secondary Plan. This designation limits commercial retail development to a maximum of 42,500m² (457,481ft²). The function of the District Retail area is “to provide for an identifiable location for multi-use/purpose shopping area offering a wide range of retail service, entertainment, and community needs.” The subject lands are currently designated “Civic Mixed Use” in the Secondary Plan. The function of the Civic Mixed Use designation is to:

- 1) provide for a traditional main street shopping and leisure environment which permits a diverse range and mix of uses which is intended to provide animation and pedestrian activity at the street level;
- 2) provide a focal street which is easily identifiable and which evokes a strong sense of place.

The Civic Mixed Use designation extends south along each side of Greenbank Road in the Activity Centre area.

DISPUTED APPLICATION AND RELATED APPEALS

Shortly after receiving the adopted Official Plan Amendment No. 24 from the City of Nepean, the Region received a request for notice of decision from the law firm of Goodman and Carr on behalf of

Barrhaven Town Centre Inc. and 923024 Ontario Limited. A copy of their letter is attached as Annex 3 to this report. As a result, staff are treating the application as disputed necessitating a report being brought forward to Planning and Environment Committee. Barrhaven Town Centre Inc. and 923024 Ontario Limited own the existing shopping centre on the west side of Greenbank Road across from the subject site. Barrhaven Town Centre Inc. also has lands subject to official plan amendment and zoning by-law applications. Local Official Plan Amendment No. 8 proposes an expansion of the Major Commercial designation from 21,900m² of retail development to 35,000m². The Barrhaven Town Centre site is currently developed with approximately 10,000m² of retail space. Local Official Plan Amendment No. 8 is the subject of another Planning and Environment Committee report on this agenda.

Barrhaven Town Centre has also filed appeals with respect to the following applications (appeals are attached as part of Annex 3):

Zoning By-law 94-99 - a rezoning application to permit 42,500m² of retail development within the existing District Commercial designation.

Zoning By-law 046-2000 - a rezoning application expanding the physical boundary of the District Retail designation as contemplated under Local Official Plan Amendment No. 24

Barrhaven Town Centre Inc. has not made any submissions to the City or Nepean or the Region with respect to Local Official Plan Amendment No. 24. The nature of their concerns undoubtedly mirror those expressed in their letters of appeal to the above noted zoning by-laws. They generally state that the application is premature in terms of planning, engineering and market. They also object to the use of the holding by-law provisions of the Planning Act which is strictly a zoning issue as opposed to official plan. The City of Nepean and the Region have reviewed and approved traffic studies for the development. There are no site servicing issues related to the development which would impact adjoining development. The subject site is already designated for 42,500m² of retail development in the Nepean Official Plan and has been supported by numerous market studies prepared by both the applicant and the City of Nepean. As a result, the Region can find no grounds to not approve or to modify Official Plan Amendment No. 24.

Trinity Developments and South Nepean Development Corporation have also filed appeals with respect to Official Plan Amendment No. 8 and two separate zoning by-laws permitting retail expansions up to 21,900m² and 35,000m² respectively. The nature of these appeals are discussed in the context of the report dealing with Official Plan Amendment No. 8.

THE AMENDMENT

The purpose of Amendment No. 24 is to redesignate a 2.56 hectare portion of lands within the Civic Mixed Use designation to the District Retail designation.

EXTERNAL AGENCY AND PUBLIC COMMENTS

Official Plan Amendment No. 8 was circulated to all of the required agencies, advertisements were placed in the local community newspaper and notice sent to all assessed persons within 120 metres of the subject property. No comments were received from any of the circulated agencies or members of the general public. Comments received from the party “disputing” the application have been included in Annex 3. Attempts by staff to resolve or mediate the dispute were viewed as unnecessary by the respective parties given the presence of the other existing appeals.

STAFF COMMENT

The subject lands are designated “Town Centre” in the Regional Official Plan. The proposed amendment conforms with the policies associated with the “Town Centre” designation. The proposed amendment to the Nepean Official Plan provides for a minor expansion of the geographical boundaries of the District Retail designation in order to accommodate the maximum level of development provided for in the Secondary Plan. There is no increase in the amount of development permitted, only an adjustment to the physical boundary wherein the development is to occur. Regional staff have been actively involved in the associated subdivision plan and the development of the overall concept plan for the District Retail lands which is a requirement of the Secondary Plan (See Annex 4 for Concept Plan).

The proposed amendment marginally reduces the area of the Civic Mixed Use designation and does not compromise the objectives of the Official Plan as they apply to these lands. The proposed development as detailed within the Concept Plan provides for a single building which will be required to respect the policy regarding street level animation and activity contemplated in the Civic Mixed Use designation. In practical terms this will be achieved by orienting the building to the street, providing entrance(s) and/or storefront windows, and pedestrian connections to the street. The limited amount of land being removed from the Civic Mixed Use designation will not compromise the original policy objectives for this area. Final approval of the Concept Plan, and future approvals of the associated subdivision and site plan applications will be required to satisfy the policy regarding street level activity and relationships. The implementing zoning by-law for the lands affected by Official Plan Amendment No. 24 also includes special provisions which prohibit auto oriented uses along Greenbank Road.

CONSULTATION

The City of Nepean held a formal public meeting on Official Plan Amendment No. 24 in accordance with the requirements of the Planning Act. Representatives of Trinity Developments, South Nepean Development Corporation, Barrhaven Town Centre Inc. and the City of Nepean were provided copies of the report and advised of the Planning and Environment Committee meeting.

FINANCIAL IMPACT

Not applicable.

CONCLUSION

Based on the foregoing Regional staff have no concerns with respect to the approval of Official Plan Amendment No. 24. The proposed amendment conforms to the Regional and Nepean Official Plan(s). The issue appears to be one of competition between landowners/ developers on opposite sides of Greenbank Road within the Activity Centre who are seeking to secure key anchor tenants and capture a rapidly expanding demand for retail facilities within the community. Related applications have already been appealed to the Ontario Municipal Board who are waiting for a decision with respect to Official Plan Amendment No. 24 before scheduling a hearing.

*Approved by
N. Tunnacliffe, MCIP, RPP*

ANNEX 1

Date: XX August 2000
Regional File: 14-00-0019
Contact: Don Herweyer

Applicable Planning Act: **Bill 20**

John LeMaistre
City Clerk
City of Nepean
Ben Franklin Place
101 CentrepoinTE Drive
Nepean, ON K2G 5K7

Dear Mr. LeMaistre:

**Re: Trinity Developments
Local Official Plan Amendment No. 24
City of Nepean**

In accordance with Section 17(35) of the Planning Act, you are hereby notified of the Regional Council's decision to approve, under authority assigned to Regional Council by the Ministry of Municipal Affairs and Housing, Amendment No. 24 to the Official Plan of the City of Nepean.

PURPOSE OF THE AMENDMENT

The purpose of Amendment No. 24 is to redesignate a 2.5 ha parcel of land in part of Lot 15, Concession 2, Rideau Front from "Civic Mixed Use to "District Retail". Approval of Amendment No. 24 will facilitate the development of up to 42,500m² of retail space in the South Nepean Activity Centre.

INFORMATION

Information on Amendment No. 24 can be obtained from the Regional Planning and Development Approvals Department at the above-noted address (attention: Don Herweyer at 560-6058, extension 2670) or the City of Nepean Development Services Department at 101 CentrepoinTE Drive, Nepean, ON K2G 5K7 [attention: Colin White at 727-6700 ext. 335].

NOTICE OF APPEAL

Pursuant to Section 17(36) of the Planning Act, any person or public body may, not later than 4:30 p.m. on (date - 20 days after the giving of notice), appeal the decision by filing a notice of appeal to Amendment 24 with the Regional Planning and Development Approvals Department. Such appeal

must identify, in writing, which section(s) is/are being appealed and the reasons for doing so. All appeals must also be accompanied by a certified cheque in the amount of \$125.00 (to the Minister of Finance, Province of Ontario) to cover the Ontario Municipal Board's prescribed fee.

If no notice of appeal is received before or on (date - 20 days after giving of notice), the decision of Regional Council is final and Amendment 24 will come into effect on (date - the day after the last day for appeal).

Please note that only individuals, corporations or public bodies may appeal a decision of the approval authority to the Ontario Municipal Board. A notice of appeal may not be made by an unincorporated association or group. However, a notice of appeal may be made in the name of an individual who is a member of the association or group on its behalf.

RELATED PLANNING APPLICATIONS

The lands to which Amendment No. 24 applies are also the subject of the following planning applications:

Nepean File: B10-02-001-96 - by-law amendment application to permit up to 42,500m² of retail space. By-law 94-99 was passed by Nepean Council on November 11, 1999 but was appealed to the Ontario Municipal Board.

Nepean File: B10-01-031-99 - by-law amendment application to permit retail development on additional lands affected by Local Official Plan Amendment No. 24. By-law 046-2000 was passed by Council on May 4, 2000 and was appealed to the Ontario Municipal Board.

RMOC File: 15-99-SD04 [06T-99004] subdivision application for subject lands. Notice of decision to draft approve the plan of subdivision has been issued.

Dated dd/mm/2000

Sincerely,

Mary Jo Woollam
Clerk

c.c.: Colin White, Nepean Development Services Department
S. Savelli, Trinity Developments
Patrick J. Devine, Goodman

AMENDMENT NO. 24

to the
Official Plan
of the
City of Nepean

THE CORPORATION OF THE CITY OF NEPEAN

BY-LAW NO. 045 - 2000

*Being a by-law of The Corporation of the City of
Nepean to adopt Amendment No. 24 to the Official
Plan of the City of Nepean*


WHEREAS the Council of The Corporation of the City of Nepean, in accordance with the provision under Section 17 of the Planning Act, hereby enacts as follows:

1. Amendment No. 24 to the Official Plan of the City of Nepean, consisting of the attached Schedule "A" and explanatory text is hereby adopted.
2. That the City Clerk is hereby authorized and directed to make application to the Regional Municipality of Ottawa-Carleton for approval of Amendment No. 24 to the Official Plan of the City of Nepean.
3. This by-law shall not come into force or take effect until approved by the Regional Municipality of Ottawa-Carleton.

PASSED AND GIVEN under the Hands of the Mayor and City Clerk and the Corporate Seal of the Corporation of the City of Nepean this 4th day of May, 2000.

original signed by _____
John LeMaistre, City Clerk

original signed by _____
Mary Pitt, Mayor

CERTIFIED TRUE COPY

JOHN LEMAISTRE
City Clerk

AMENDMENT NO. 24

OFFICIAL PLAN OF THE CITY OF NEPEAN

PURPOSE:

The purpose of Amendment No. 24 is to amend Schedule A2 of the Secondary Plan for Area 7 of the Nepean Official Plan to expand the geographical limits of the District Retail designation.

The affected lands are shown for information purposes on Schedule "A" to this Amendment.

BASIS:

The subject lands are situated within the City of Nepean's Activity Centre for the South Nepean area. The site is located immediately south of lands which are now designated District Retail and the amendment proposes to extend the designation southward to include the subject lands.

The current Civic Mixed Use designation of the lands is intended to promote a diverse range and mix of uses which focus animation and pedestrian activity along the Civic Axis (Greenbank Road) frontage.

Since the adoption of the Activity Centre policies, the City has proceeded with consideration and approval of applications for zoning amendments and site plan control to permit development of an integrated district retail shopping centre which supports the Official Plan policy objectives. Through the master plan development process, the physical land area requirements of the concept have increased to the extent that a minor expansion of the boundaries of the District Retail designation is required to accommodate the commercial floor space permitted by the policy.

The approved master concept plan, which forms the basis for the proposed amendment, features proposed uses along the Civic Axis, Greenbank Road frontage which continue to respect the overall design objectives of the Official Plan. The minor encroachment into the large Civic Mixed Use designation will not compromise the fundamental principles of the Activity Centre plan.

THE AMENDMENT:

1. That Schedule "A2" of the Secondary Plan for Area 7 be amended by deleting the "Civic Mixed Use" designation of the subject lands and replacing it with "District Retail" designation as shown on Schedule "A" to this amendment.



SCHEDULE 'A' TO AMENDMENT No. 24

SCALE 1:10 000

LANDS AFFECTED BY
AMENDMENT No. 24



50 0 50 150



SCALE IN METRIC



DEVELOPMENT SERVICES



HNNex 3

GOODMAN AND CARR
BARRISTERS AND SOLICITORS

PATRICK J. DEVINE
Direct Line: 416/595-2404
E-mail: pdevine@goodmancarr.com
File Number: 9702478

June 1, 2000

DELIVERED BY FAX 613/560-6006
AND BY OVERNIGHT COURIER

Regional Municipality of Ottawa-Carleton
Planning and Development Approvals Branch
111 Lisgar Street
Ottawa, ON K2P 2L7



Attention: Mr. Nick Tunnacliffe,
Commissioner

Dear Sir:

Re: *Request for Notice of Proposed Decision with respect to Nepean By-law No. 045-2000, which adopted Amendment No. 24 to the Official Plan of the City of Nepean Request made on behalf of Barrhaven Town Centre Inc. and 923024 Ontario Limited*

We are the solicitors for Barrhaven Town Centre and 923024 Ontario Limited, the owners of the Barrhaven Town Centre shopping centre located at the south-west corner of Strandherd Drive and Greenbank Road in the City of Nepean.

We are in receipt of the Notice of Passing of By-law No. 045-2000 and, on behalf of Barrhaven Town Centre and 923024 Ontario Limited, we hereby request notice of the proposed decision with respect to Amendment No. 24 to the Official Plan of the City of Nepean.

Yours very truly,

Patrick J. Devine

PJD/mp

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GOODMAN AND CARR
BARRISTERS AND SOLICITORS

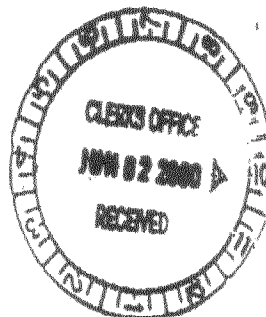
PATRICK J. DEVINE
Direct Line: 416/595-2404
E-mail: pdevine@goodmancarr.com
File Number: 9702478

June 1, 2000

DELIVERED BY FAX 613/727-6701
AND BY OVERNIGHT COURIER

Clerk's Department
City of Nepean
101 Centrepont Drive
Nepean ON K2G 5K7

Attention: Mr. John LeMaistre,
City Clerk



Dear Sir:

Re: Notice of Appeal with respect to Nepean By-law No. 046-2000
- Appeal filed on behalf of Barrhaven Town Centre Inc. and 923024 Ontario Limited

We are the solicitors for Barrhaven Town Centre and 923024 Ontario Limited, the owners of the Barrhaven Town Centre shopping centre located at the south-west corner of Strandherd Drive and Greenbank Road in the City of Nepean.

On May 2, 2000 our client's representative, Mr. Ronald Richards, appeared at the public meeting held with respect to the above-noted by-law to express the concerns of Barrhaven Town Centre Inc. and to object to the passing of the by-law.

We are in receipt of the Notice of Passing of By-law No. 046-2000 and, on behalf of Barrhaven Town Centre and 923024 Ontario Limited, we hereby object to the passing of this by-law and appeal the by-law to the Ontario Municipal Board.

The lands which are the subject of By-law No. 046-2000 are located immediately to the south of the lands which are the subject of By-law No. 094-99. On December 7, 1999, we forwarded to you our Notice of Appeal respecting By-law No. 094-99 on the basis that this By-law was premature in terms of planning, engineering and market.



GOODMAN AND CARR
BARRISTERS AND SOLICITORS

Moreover, By-law 094-99 is a Holding By-law with the removal of the "H" to occur following the completion of an extensive series of studies, a master site plan agreement and the fulfilment of other conditions. It continues to be our view that the by-law should not have been passed until after the requisite studies were completed, circulated for review and analyzed. These studies, including traffic and site servicing, could well demonstrate a serious impact on the existing and future expanded Barrhaven Town Centre and should have been available for consideration prior to the by-law being passed so that all relevant facts would have been available to Council and other landowners.

As matters now stand, if the Holding By-law is approved, the "H" could be lifted on recommendation of staff without the benefit of review and without the benefit of appeal to the Ontario Municipal Board being available to affected parties.

The effect of By-law No. 046-2000 is to extend the zoning of the lands which are the subject of By-law No. 094-99. Accordingly, our reasons in support of this objection are the same as those expressed in our appeal of By-law No. 094-99.

In further support of our appeal, enclosed please find a cheque in the amount of \$125.00 payable to the "Minister of Finance".

Yours very truly,

Patrick J. Devine

PJD/AEP/mp +
Encl.

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CERTIFIED TRUE COPY

JOHN LEMAISTRE
City Clerk



GOODMAN AND CARR
BARRISTERS AND SOLICITORS

PATRICK J. DEVINE
Direct Line: 416/595-2404
E-mail: pdevine@goodmancarr.com
File Number: 9702478

December 7, 1999

DELIVERED BY FAX 613/727-6701
AND BY OVERNIGHT COURIER

Clerk's Department
City of Nepean
101 Centrepont Drive
Nepean ON K2G 5K7

Attention: Mr. John LeMaistre,
City Clerk



Dear Sir:

Re: *Notice of Appeal with respect to Nepean By-law No. 094-99*
- Appeal filed on behalf of Barrhaven Town Centre Inc. and 923024 Ontario Limited

We are the solicitors for Barrhaven Town Centre and 923024 Ontario Limited, the owners of the Barrhaven Town Centre shopping centre located at the south-west corner of Strandherd Drive and Greenbank Road in the City of Nepean.

On October 19th, 1999, our client's representative, Mr. Ronald Richards, appeared at the public meeting held with respect to the above-noted by-law to express the concerns of Barrhaven Town Centre Inc. and to object to the passing of the by-law.

We are in receipt of the Notice of Passing of By-law No. 094-99 and, on behalf of Barrhaven Town Centre and 923024 Ontario Limited, we hereby object to the passing of this by-law and appeal the by-law to the Ontario Municipal Board.

In support of our objection, we submit that the by-law is premature in terms of planning, engineering and market. Recent studies prepared for and presented at the Ontario Municipal Board hearing on Nepean By-law No. 119-98 reveal that there is considerable uncertainty as to the amount of market demand available in this area for food store facilities.

CERTIFIED TRUE COPY

JOHN LEMAISTRE
City Clerk

Moreover, By-law 094-99 is a Holding By-law with the removal of the "H" to occur following the completion of an extensive series of studies, a master site plan agreement and the fulfillment of other conditions. It is our view that the by-law should not have been passed until after the requisite studies were completed, circulated for review and analyzed. These studies, including traffic and site servicing, could well demonstrate a serious impact on the existing and future expanded Barrhaven Town Centre and should have been available for consideration prior to the by-law being passed so that all relevant facts would have been available to Council and other landowners.

As matters now stand, if the Holding By-law is approved, the "H" could be lifted on recommendation of staff without the benefit of review and without the benefit of appeal to the Ontario Municipal Board being available to affected parties.

In support of our appeal, enclosed please find a cheque in the amount of \$125.00 payable to the "Minister of Finance".

Yours very truly,



Patrick J. Devine

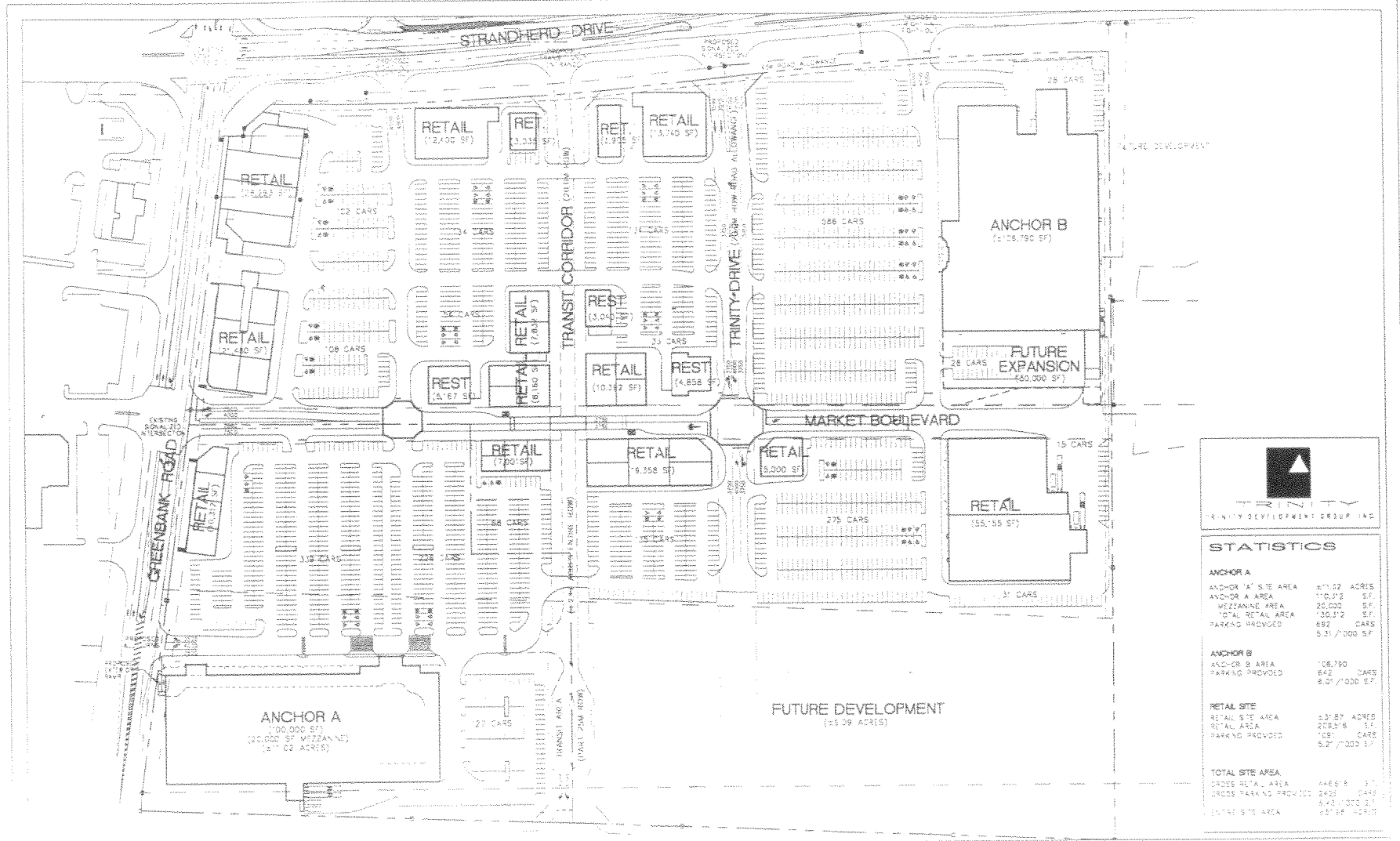
PJD/mp
Encl.


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CERTIFIED TRUE COPY



JOHN LEMAISTRE
City Clerk



 TRINITY TRINITY DEVELOPMENT GROUP INC.	
STATISTICS	
ANCHOR A	
ANCHOR A SITE AREA	2.31 ACRES
ANCHOR A AREA	100,000 SF
MEZZANINE AREA	20,000 SF
TOTAL RETAIL AREA	120,000 SF
PARKING PROVIDED	692 CARS
	3.01 / 1,000 SF
ANCHOR B	
ANCHOR B AREA	106,790 SF
PARKING PROVIDED	642 CARS
	6.07 / 1,000 SF
RETAIL SITE	
RETAIL SITE AREA	4.77 ACRES
RETAIL AREA	208,516 SF
PARKING PROVIDED	1,081 CARS
	9.27 / 1,000 SF
TOTAL SITE AREA	
TOTAL RETAIL AREA	415,312 SF
TOTAL PARKING PROVIDED	1,750 CARS
TOTAL SITE AREA	9.50 ACRES



TURNER PLEISCHER ARCHITECTS INC.

CHAPMAN MILLS MARKETPLACE GREENBANK + STRANDHERD BARRHAVEN, ONTARIO

P. PROJ. 99-028/028-ANDWG
SCALE 1:250 MARCH 02, 2000

AIV

Extract of Draft Minute
Planning and Environment Committee
08 August 2000

LOCAL OFFICIAL PLAN AMENDMENT NO. 24
CITY OF NEPEAN (TRINITY DEVELOPMENTS)

- Planning and Development Approvals Commissioner's report dated 25 Jul 2000

Please note, the minute for LOPA 24 is included with that of LOPA 8, as both LOPAs were considered together at the Committee's direction.

That the Planning and Environment Committee recommend that Council approve Local Official Plan Amendment 24 to the City of Nepean Official Plan and that the Clerk issue the Notice of Decision attached as Annex 1.

CARRIED
(A. Munter dissented)