

3. LOCAL OFFICIAL PLAN AMENDMENT 51 CITY OF KANATA

COMMITTEE RECOMMENDATION AS AMENDED

That Council approve Amendment 51 to the City of Kanata's Official Plan as outlined on the Approval Page attached as Annex 1 and that staff be directed to issue the required "notice of decision" and that staff be instructed to support the City of Kanata's approach to moving towards an enclosed mall.

DOCUMENTATION

1. Planning & Development Approvals Commissioner's report dated 28 June 1999
2. An Extract of Draft Minute, 13 July 99, follows and includes a record of the vote.

Our File/N/Réf. 14-99-0006
Your File/V/Réf.

DATE 28 June 1999

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

FROM/EXP. Planning & Development Approvals Commissioner

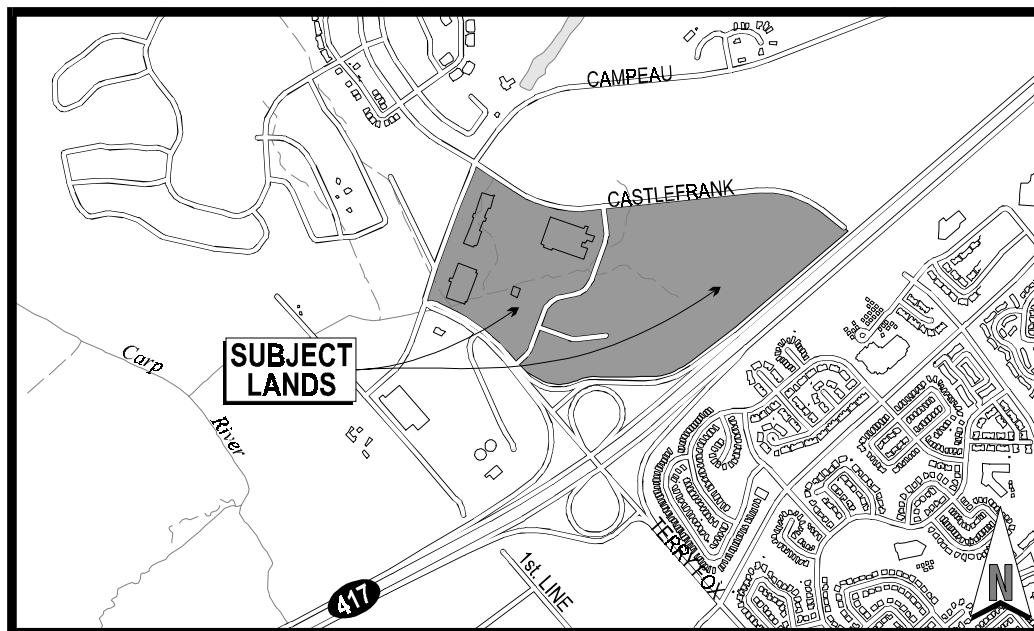
SUBJECT/OBJET **LOCAL OFFICIAL PLAN AMENDMENT 51
CITY OF KANATA**

DEPARTMENTAL RECOMMENDATION

That Planning and Environment Committee recommend that Council approve Amendment 51 to the City of Kanata's Official Plan as outlined on the Approval Page attached as Annex 1 and that staff be directed to issue the required "notice of decision".

BACKGROUND

The City of Kanata adopted local Official Plan Amendment (LOPA) 51 on 15 June 1999 and subsequently submitted same to the Region for approval under Section 17 of the Planning Act, 1990 on 15 June 1999 (Annex 2).



Kanata's LOPA 51 establishes Kanata Council's vision for the development of the Regional Shopping Centre (RSC) site in the Kanata Town Centre (KTC). The policies of Kanata's LOPA

51 were drafted to replace the policies of Kanata's LOPA 24 and implement the policies of the 1997 Regional Official Plan (ROP). Kanata Council also passed Zoning By-law 114/99 on 15 June 1999 to implement the policies of Kanata's LOPA 51.

Prior to adoption of Kanata's LOPA 51, Kanata Council commissioned a "Concept Master Plan" exercise which culminated in the production of Master Concept Plan by the consulting team of Lloyd Phillips & Assoc. Ltd., Price Waterhouse Coopers and the Petroff Partnership Architects. This "Concept Master Plan" exercise generated a number of site layout and built form options for the RSC site in an attempt to forge a consensus on the critical elements of a successful development.

This report is to establish PEC and Council's position on Kanata's LOPA 51 in anticipation that it will be appealed to the OMB and consolidated into the hearing on Kanata's broader retail policies beginning on 22 September 1999.

THE AMENDMENT

The purpose of Kanata's LOPA 51 is to establish new policies to implement Kanata Council's vision for the development of the RSC site in the KTC. In particular, Kanata's LOPA 51 proposes the following:

- designate the entire RSC site "Kanata Regional Shopping Centre";
- designate three sub-areas "Regional Shopping Centre 1", "Regional Shopping Centre 2" and "Regional Shopping Centre 3" to distinguish between freestanding auto-oriented uses (RSC-1); the more compact and transit friendly RSC (RSC-2); and the high density mixed uses fronting Castlefrank Road;
- policies which manage the transition from a cluster of freestanding buildings arrayed around a pedestrian spine (i.e., "City Walk") to an enclosed mall;
- a policy which imposes the requirement for at least 50% of the retail and service uses to be less than 2,000 sq. m individually;
- a policy which requires that all uses must be in a building which contains at least three or more individual retail/service uses;
- policies which allow development over the transitway and the reduction of parking requirements once the transitway station is operational; and
- a prohibition on any private agreements that prevent the implementation of the policies of Kanata's LOPA 51.

As proposed, Kanata's LOPA 51 will result in more restrictions being placed on the development of the RSC site in Kanata Council's quest for an enclosed RSC offering an array of higher order goods and services not presently available in Kanata.

AGENCY AND STAKEHOLDER COMMENTS

Kanata staff consulted with a number of stakeholders in the preparation of Kanata's LOPA 51. On account of this consultation and the fact that the issues involved with Kanata's LOPA 51 have been thoroughly discussed through this consultation process, no circulation was undertaken by Regional staff.

In spite of Kanata staff's stakeholder consultation process, there are a number of property owners that are dissatisfied with the product and these include Penex Kanata Ltd. (Penex) and Unihost Corp. (Unihost). Penex's concerns are outlined under the "OBJECTIONS" heading. There are still other property owners (i.e., Sunlife Assurance Co., Mapfox Holdings Ltd., 764703 Ontario Inc. and 709519 Ontario Ltd., Centrefund Corp.) in the vicinity of the RSC site which have indicated that they have not taken a position yet on Kanata's LOPA 51 and may still appeal it to the OMB.

OBJECTION

Penex Kanata Ltd.

Penex has been represented throughout the stakeholder consultation process involved with Kanata's LOPA 51. Penex has indicated that while certain elements of Kanata's LOPA 51 are acceptable, the following elements are not:

- a prohibition on private use agreements;
- the policy which requires that at least 50% of the retail and service uses to be less than 2,000 sq. m individually;
- the requirement to cluster retail uses in groups of three;
- the policy which allows Kanata Council, under certain conditions to require enclosure of retail uses developed in the RSC-2 designation; and
- the policy that the implementing zoning by-law require a minimum and equal frontage of development on opposite sides of the pedestrian spine in the RSC-2 designation.

STAFF COMMENT

At the outset of Kanata's "Concept Master Plan" exercise for the RSC site in the KTC, Regional staff were cautiously optimistic that this exercise would lead to the withdrawal of Penex's LOPA application for the same area and a consensus view of how the balance of development on the RSC site should evolve. As time wore on it became clear that Kanata Council and Penex would be unable to reach any consensus on a LOPA for the RSC site in the KTC. Notwithstanding this situation, Kanata's LOPA 51 implements the policies of the ROP while at the same time incorporating policies which recognize Kanata Council's desire for a conventional enclosed RSC in the fullness of time. The subject lands are designated "Town Centre" on Schedule B to the 1997 ROP. The ROP "Town Centre" policies (i.e., those in Section 4.3.3) permit the development of a RSC. In addition, the policies of Section 4.3.3 and 4.3.1 encourage development which maximizes pedestrian, cyclist and transit accessibility.

When first put before Kanata Council for adoption on 01 June 1999, Kanata's LOPA 51 was less onerous on Penex than the version adopted on 15 June 1999. In fact, there were a number of policies in the 1 June 1999 iteration of Kanata's LOPA 51 which staff supported like the prohibition on private agreements that undermine Official Plan policy. However, Kanata's LOPA 51 contains policies which go beyond what may be reasonable (e.g., timing of enclosure). While municipalities have the ability to influence the layout and built form of a development, attempting to dictate the time of enclosure and how a RSC shall evolve to enclosure (when such decisions will be made based on a business plan) appears to be unusual and unnecessary. Nevertheless, as local Official Plan policies can be more restrictive than the ROP, staff believe that PEC and Council are not in a position to modify Kanata's LOPA 51 unless it offends ROP policy.

Given these circumstances, staff recommend approval of Kanata's LOPA 51 as outlined on the Approval Page attached as Annex 1.

CONSULTATION

The required public meeting under Section 17(15) of the Planning Act, 1990 was held on 01 June 1999. In addition to the formal public meeting, a stakeholder meeting was held on 11 February 1999 and a public open house on 22 April 1999. Various stakeholders have spoken in support of and in opposition to Kanata's LOPA 51. These parties have been informed of the date and time PEC will deal with Kanata's LOPA 51.

FINANCIAL IMPLICATIONS

The approval of Kanata's LOPA 51 will allow continued development of the RSC site in the KTC with all the attendant development charge and property tax revenue accruing to the Region. As Kanata's LOPA 51 has not resolved many of the disputes between Kanata and Penex Kanata Ltd., staff anticipate that it will be appealed to the OMB and be consolidated with the hearing on Kanata's LOPAs 45 and 46 and therefore become part of the OMB's mediation process on 21, 22 and 23 July 1999. Regional staff time and resources will be required to participate in the OMB's mediation process as well as prepare and give evidence on Kanata's LOPA 51 at the OMB hearing, if required, beginning on 22 September 1999.

*Approved by
N. Tunnacliffe, MCIP, RPP*

APPROVAL PAGE
AMENDMENT NO. 51 TO THE OFFICIAL PLAN
OF THE CITY OF KANATA

I hereby certify that Amendment No. 51 to the Official Plan of the City of Kanata, which has been adopted by the Council of the City of Kanata, was approved by the Council of the Regional Municipality of Ottawa-Carleton on _____ 1999, under Sections 17 and 21 of the Planning Act, 1990.

Dated this _____ day of July 1999.

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Clerk, Regional Municipality of Ottawa-Carleton

COMPONENTS

Part A - The Preamble does not constitute part of this Amendment

Part B - The Amendment, consisting of the following text and map (designated Schedule "A"), constitutes Amendment No. 51 to The Official Plan of the City of Kanata.

Also attached is Part C - The Appendix which does not constitute part of this amendment.

PART A - THE PREAMBLE

1. Purpose

The purpose of this Amendment is to set out policies in the City of Kanata Official Plan with respect to the proposed regional shopping centre located north of the interchange of Terry Fox Drive and Highway 417.

2. Location

The lands affected by this amendment are bounded by Campeau Drive, Castlefrank Road, Highway 417 and Terry Fox Drive. This includes the existing developments located north-west of Earl Grey Drive, the existing AMC theatre complex and the existing hotel located between Earl Grey Drive, Castlefrank Road and Highway 417. The amendment also affects lands owned by the Region of Ottawa Carleton that are located immediately north of Highway 417. The lands affected by this amendment are shown on the attached Location Plan, and cover approximately 37 hectares shown on the attached Location Plan and described as follows:

Registered Plan 4M - 921
Blocks 1, 2, 3, 4, 8 and the adjacent 0.30 m reserves

Registered Plan 4M - 941
Blocks 1, 2, 3, 4, 5, 6, 11, the adjacent 0.30 m reserves, Earl Grey Drive and Roland Michener Drive

Registered Plan 4M - 1011
Blocks 1, 2, 4, 6, 7, 8 and the adjacent 0.30 m reserves

3. Basis

The Regional Shopping Centre is a key component of Kanata's Town Centre. The Kanata Town Centre covers the area on both sides of Highway 417 between Eagleson Road and Terry Fox Drive and between Campeau Drive and Katimavik Road. In this context, the Regional Shopping Centre area is strategically located at the north-east quadrant of the interchange of Highway 417 and Terry Fox Drive.

In the Region of Ottawa Carleton Official Plan, the area affected by this amendment and much of the adjacent area is designated as Town Centre in the Kanata Urban Area. This designation calls for high density employment and residential development with a target of at least 10,000 jobs. A Regional-Scale Retail Facility is permitted in the Town Centre. The policy on Regional-Scale Retail Facilities is summarized in the following:

- Regional-Scale Retail Facilities are defined as shopping and commercial service facilities located outside the Regional Central Area having more than 35,000 square metres of gross leasable area. Regional-Scale Retail Facilities include regional shopping centres and retail concentrations planned and managed as a unit;
- Any existing or future Regional-Scale Retail Facilities are to be adjacent to an existing or proposed Transitway station and the Transitway stations are to be incorporated into the design of the site; and,
- Market studies are to be completed when proposing a new Regional-Scale Retail Facility or an expansion of an existing facility over 35,000 square metres. These studies will ensure that new Regional-Scale Retail Facilities will not have significant impacts on retail activities in the Central Area, Town Centres or on Regional-Scale Retail Facilities in the Urban area inside of the Greenbelt.

The proposed amendment for the Regional Shopping Centre is intended to implement the policies of the Regional Official Plan.

The history of the Regional Shopping Centre in Kanata indicates a process of evolutionary change, including re-location from a central location on the south side of Highway 417 to the current location. This process began in 1989 with proposed Amendment No. 38 to the previous Official Plan and culminated in Amendment No.11 and Zoning By-law Amendment No. 61-91. This zoning amendment designated all of the lands in this proposed Official Plan Amendment as TC-3. This zoning continues in force today.

Subsequent to this in February 1994, the City of Kanata prepared the policy framework for the entire Town Centre community in Official Plan Amendment No. 24. This amendment was followed by a series of planning studies for the Town Centre Community. Some key design objectives were that:

- The Town Centre should have a distinctive urban character to distinguish it from the suburban character of other parts of Kanata;
- The Town Centre should be developed in a way that integrates commercial, office, residential and civic land uses;
- A Main Street/Town Square in a lively Central Business District will function as the urban heart of this community; and,
- The Regional Shopping Centre is the primary retail area in the Town Centre.

These studies went through an intensive public consultation process. It is notable that the demonstration plans indicated an indoor shopping mall, which was the anticipated form of regional shopping centre.

Amendment No. 24 received final approval and now forms part of the Kanata Official Plan. Section 5.7.5.3 sets out the policies for the Regional Shopping Centre.

Some key aspects of this policy are:

- Development of the Regional Shopping Centre in two phases: a highly accessible western phase that could be serviced and

developed in the short term, and a second phase that would be a regional scale shopping centre of at least 35,000 square metres developed in the long term;

- Development of the first phase in the form of community shopping uses is restricted to 25,000 square metres until the second phase reaches 30,000 square metres or a market study that indicates the second phase is not threatened is provided;
- The first phase may be developed in large, free standing, auto-oriented retail facilities whereas the second phase will be more pedestrian and transit friendly;
- The regional shopping centre will be designed to be integrated with or in close proximity to a future Transitway station, including a weather-protected link from the "mall."

To date, the western portion of the Regional Shopping Centre has approximately 26,000 square metres of development consisting of a Wal-mart, Chapters, and Loblaws stores as well as various smaller retail stores and a number of restaurants. The eastern portion contains an AMC theatre complex.

It should also be noted that the area affected by this amendment includes an area on the south side of Castlefrank Road that is designated Central Business District and Main Street. The existing hotel is located within a Central Business District designation. These designations are intended to link the area south of Castlefrank Road to the rest of the Central Business District and the Main Street area to the north. This area has been the subject of a recent master concept planning study by Dynar Architects Inc. for the City of Kanata.

This study is significant to the area affected by the Amendment because it establishes the alignment of Main Street south of Castlefrank Road and it emphasizes high density employment and residential uses for the south side of Castlefrank Road, directly adjacent to the area now designated as Regional Shopping Centre. This approach maintains the original direction set by OPA 24 and current Kanata Official Plan policy.

The City of Kanata is also reviewing its comprehensive Official Plan. As part of this program the City looked at the overall employment and commercial development in the City and had the "Employment and Commercial Land Use Study" prepared by Malone Given Parsons Ltd. and Fotenn Consultants Inc. Among several recommendations on strategy, this study confirmed that the Town Centre is to be the main commercial and civic focus for the City of Kanata. It also indicated that commercial developments in the Town Centre, including the Regional Shopping Centre, should not be compromised by commercial developments outside of the Town Centre and vice versa. The two should have a positive and complimentary interaction. In addition the study noted that major retail uses such as department stores, supermarkets and higher order retail uses should be reserved for the Town Centre.

In addition, the developer of the Regional Shopping Centre has applied to the City of Kanata for an Official Plan Amendment. Among other things, the requested amendment seeks to allow retail development that is not specifically in an indoor shopping mall. City Council decided not to approve the application due to a number of unresolved matters. These are summarized as:

- A concern about apparent piecemeal development on the site;
- Outdated planning policies and zoning regulations;

- Changing retail trends;
- The need for public consultation on significant policy changes;
- The need to integrate future development on the Regional Shopping Centre site with existing development, with Main Street and with the Central Business District.

To deal with these matters the City of Kanata commissioned a planning study of the Regional Shopping Centre area. The purpose of the study is to set out a master concept plan that will guide future development of the regional shopping centre and to review and update the planning policies and zoning regulations. The study was undertaken for the City of Kanata by Lloyd Phillips & Associates Ltd., Pricewaterhouse Coopers LLP and Petroff Partnership Architects. A report entitled "City of Kanata Regional Shopping Centre Master Concept Plan Issue Paper" was released in March 1999. Some of the key findings relating to planning policy, market considerations and design considerations of this report were:

- The uncertainty of the planning policies on a mandatory indoor mall needs to be clarified;
- The zoning by-law that is now in force is disconnected from the official plan because it preceded the current policies;
- A continued pattern of free standing retail stores with large parking areas could prevent sufficient land area from being available to allow a more intensive scale of development as a regional shopping centre;
- Indoor malls have traditionally depended on large department stores as anchors. Large department stores have cut back their operations significantly and new indoor malls are generally not being developed;
- Bayshore Shopping Centre is a powerful influence on the feasibility of an indoor mall;
- Retail trends in the early to mid 1990's have moved away from indoor malls to the retail warehouse and power centre formats, that emphasize a high level of auto accessibility for parking;
- Emerging trends are the large Mills Centre type, as proposed in Vaughn, Ontario, and lifestyle centres that often have an outdoor or partially enclosed pedestrian way anchored by theatres or specialty stores.

Four optional approaches of various densities were proposed for the Regional Shopping Centre. Following this, a report entitled "Regional Shopping Centre Concept Master Plan" was prepared in April 1999. The review of some initial concept options and the input of stakeholders, including the landowners, City staff and participating community association representatives resulted in a master concept plan. This was accompanied by a demonstration plan.

This concept plan was designed to build upon and reinforce the strategic directions that were established by the previous planning policies and activities, particularly the comprehensive approach taken in OPA 24. In this way, the master concept plan and the previous planning activities provide the basis of the proposed Official Plan Amendment.

The following is an overview of the features of the master concept plan.

The key elements of the master concept plan are:

- The southerly extension of Main Street from Castlefrank Road to the future Transitway station
- The connection of Main Street and the AMC complex to the existing development on the western portion of the subject lands (known as Centrum) by a primary pedestrian way to be called City Walk
- The provision of landmark office buildings at the south end of Main Street directly adjacent to the future Transitway station
- The establishment of a basic framework of building areas, parking areas, roads and pedestrian ways that the retail and pedestrian areas can be converted in phases to partial or fully enclosed structures in the future without losing the original framework
- The integration of the existing auto-oriented commercial areas with the future pedestrian-oriented areas
- The integration of the future office employment areas on Castlefrank Road and the existing hotel with the regional shopping centre
- The lay-out and design of the future retail areas of the regional shopping centre that will enable a minimum of 35,000 square metres and a desired amount of 50,000 square metres gross leasable area (GLA)
- The location and configuration of surface parking areas that can be converted to deck parking that is concealed from the street
- The identification of key pedestrian routes and major entry locations

To implement the master concept plan and bring the planning policies up to date the following approach was proposed:

- Designate all of the area bounded by Castlefrank Road, Highway 417 and Terry Fox Drive as the Kanata Regional Shopping Centre (KRSC)
- Designate three functional sub-areas within this larger category
- RSC-1 applies to the existing auto-oriented development west of Earl Grey Drive and to some future similar development south of Roland Michener Drive. The maximum amount of development of this type permitted in this area is approximately 39,000 square metres GLA
- RSC-2 applies to the proposed regional shopping centre east of Earl Grey Drive where the development must be configured to permit a minimum of 35,000 square metres and a desired 50,000 square metres GLA. The existing AMC theatre complex is located in this area
- Development can be phased to enable a transition to partial or full enclosure at any time
- At least 50% of the retail and service uses must be 2,000 square metres or less individually
- All uses must be in a building containing at least three individual retail and/or service uses

- A limited amount of office and high density residential uses are permitted in close proximity to the future Transitway station
- Parking requirements will be reduced for developments in close proximity to the Transitway station
- Developments in the RSC-2 area may be physically linked to developments in the RSC-3 area
- The Transitway and associated facilities will be developed in phases
- The RSC-3 applies to the area facing Castlefrank Road and is intended as a high density office and residential area that can yield 25,000 square metres of office space and 5,000 square metres of ground floor retail and services. It also includes the existing hotel
- Future developments with private agreements (e.g. use restrictions, no-build zones) that impede or conflict with the policies of the plan will not be permitted to be used as reasons to oppose site plan control conditions. Existing agreements are exempt from this

On June 1, 1999, City Council held a Public Meeting pursuant to the Planning Act to consider submissions and comments on the proposed Official Plan amendment and Zoning By-law amendment. These amendments were prepared to implement the master concept plan.

The result of the Public Meeting was to defer the adoption and enactment, respectively of the proposed amendments to June 15, 1999, Council also approved the master concept plan and received the master concept plan report that was prepared by the consultants.

Council identified a number of areas of concern in the proposed amendments, with the general theme that planning policies and zoning regulations needed additional controls to reinforce the directions proposed in the master concept plan. These are summarized below under the following headings:

ENCLOSURE OF SHOPPING CENTRE

- Consider a time horizon where the centre has to be enclosed
- The mall should be "fully" enclosed, not "partially"

PROTECT FOR HIGHER ORDER RETAIL USES

- Require smaller stores to be built with larger stores
- Avoid having only retail warehouses in the centre
- Look at desired uses

IMPLEMENT AND ENFORCE THE CITY WALK CONCEPT

- Require equal amounts of development simultaneously on opposite sides of the City Walk
- Define the City Walk

ENSURE CONTIGUOUS AND ORDERLY PHASING

- Prevent scattered piecemeal development
- Provide a logical progression of phasing

COMMUNITY FOCUS

- Community orientation and public space should be an objective and a policy

URBAN DESIGN

- Urban design guidelines are strongest when implemented in a zoning by-law
- Site plan control is not enough

These concerns are intended to reinforce the desired direction and implementation of the master concept plan.

PART B - THE AMENDMENT

Introduction

All of this part of the document entitled Part B - The Amendment, consisting of the following text and attached map designated Schedule "A" to Amendment No. 51 to the Official Plan of the City of Kanata.

Details

The following specific changes are made to the City of Kanata Official Plan:

- A. Section 3.1 is amended by adding the designation "Kanata Regional Shopping Centre" immediately after the term "Natural Environment Area."
- B. Section 5.7.5.2 is amended by adding the word "Kanata" immediately before the words "Regional Shopping Centre" where it appears in the first paragraph.
- C. Section 5.7.5.3 is amended by re-naming the title of this section to "Kanata Regional Shopping Centre", by inserting the word "Kanata" before the expression "Regional Shopping Centre" wherever it appears, and by deleting the expression "regional scale shopping centre" in the second paragraph of this section and by adding the expression "Regional Scale Retail Facility as defined in the Regional Official Plan and."
- D. Section 5.7.5.3 is further amended by deleting the remainder of the text that begins with "Permitted Uses" and replacing it with the following text.

Design Principles

The design of the Kanata Regional Shopping Centre should be based on the following general principles:

1. All parts of the Kanata Regional Shopping Centre should be designed to enable integration and connectivity between the various components within the Kanata Regional Shopping Centre area and with the adjacent parts of the Kanata Town Centre. Priority should be given to linkages with Main Street, the Central Business District, the Transitway station and the existing development in the area known as the Kanata Centrum.
2. There should be clarity in the direction and identity of the southerly extension of Main Street. This also applies to the portion of the proposed pedestrian way, called the City Walk, that connects from the AMC theatre to the Centrum area and between the open area in front of the AMC theatre and the future office areas fronting on Castlefrank Road.
3. Generally, the required shopping centre and its pedestrian ways and streets should provide open spaces and places at strategic locations where people can gather and interact.
4. The design and construction of developments located east of Earl Grey Drive should enable all or part of these developments to be built, converted or re-built as an indoor climate-controlled shopping mall that may have multiple levels of retail areas and deck parking. It is desirable to have indoor mall areas physically integrated with the existing theatre and with future office buildings.

5. The type and location of developments should facilitate a high level of convenient access to the future Transitway station. This can be achieved through locating office buildings in close proximity to the future station and by providing a convenient and safe environment for transit passengers to the station in structures inside or adjacent to buildings close to the future station.
6. The design of the entire area should be punctuated by strong visual elements that provide landmarks and entry points. Some examples are office locations adjacent to the Transitway station, the intersection of Castlefrank Road and Earl Grey Drive, the intersection of Main Street and Castlefrank Road, and the entry to the City Walk area from Earl Grey Drive.
7. The style and design of the developments, including the Transitway structures, should be integrated and demonstrate elements that connect with Kanata's original design themes, such as the Canadian Shield, and express a local identity whenever possible.
8. Convenience and safety should be top priorities in the design and lay-out of the regional shopping centre and related areas. This is expressed in things such as lighting, security facilities, communications and surveillance as well as in accessibility.
9. Phasing of development in the Kanata Regional Shopping Centre will be undertaken in a logical and orderly manner.

Land Use

1. Planned Function and Permitted Uses

The planned function of the Kanata Regional Shopping Centre is to provide Regional-Scale Retail Facilities as defined in the Regional Official Plan 1997, in conjunction with Central Business District and Main Street areas that are designed to accommodate high density employment, some potential high density residential development and Transitway facilities within the Kanata Town Centre.

It is intended that this area should accommodate a Regional-Scale Retail Facility as defined in the Regional Official Plan of a minimum of 35,000 square metres gross leasable area (GLA) for retail and service uses with a target of 125,000 square metres GLA. It is the aim of this plan that the Regional-Scale Retail Facility be at least 50,000 square metres GLA and it should be developed in phases, that are designed in a manner that is convenient primarily for pedestrians, and have the ability to be completely enclosed.

Those permitted uses include a full range of retail stores and restaurants, clinics, banks, services, places of entertainment, recreational establishments, hotel, convention centre and institutional uses. High density office and residential uses are permitted primarily along Campeau Drive and in the vicinity of the Transitway station.

2. Designations and Development Policies

The area now designated as Kanata Regional Shopping Centre includes areas that were previously designated Central Business District (CBD) and Main Street (MS). The Kanata Regional Shopping Centre (KRSC) designation is composed

of a number of sub-categories that reflect different functions within the overall framework, namely RSC-1, RSC-2 and RSC-3, and these sub-categories are shown on Schedule B of this Plan.

RSC-1

This designation applies to the existing development north-west of Earl Grey Drive and to some additional future development located adjacent to Roland Michener Drive. This area has been developed with commercial retail and service uses generally in individual buildings that are most conveniently reached by private vehicles and have large surface parking areas located near the entrances of the individual buildings and businesses. This development pattern may continue and consolidation and enclosure of buildings and structures in the long term may also occur depending on market conditions. All types of retail uses as permitted generally in the Kanata Regional Shopping Centre and also defined in the official plan and the implementing zoning by-law are permitted in this area. Retail uses and services, including the existing development, may be developed up to approximately 39,000 square metres GLA.

RSC-2

This designation applies to the area located south-east of Earl Grey Drive, excluding the area fronting on Castlefrank Road and the existing hotel development. This area is intended to accommodate the existing theatre complex, the future Transitway station facilities, the park and ride area, a limited amount of office and residential development near the future Transitway station, and the greatest concentration of the long-term retail development in the Kanata Regional Shopping Centre.

It is intended that this area will be developed in phases that have the ability to make a transition from initial unenclosed development to a fully enclosed development, or to be fully enclosed from the outset. This area should have the ability to accommodate at least 50,000 square metres GLA of retail and service uses, including the existing theatre complex. Additional retail development in an enclosed multi-level format with deck parking is highly desirable and parking requirements for retail and service uses of more than 35,000 square metres GLA in this area will be reduced significantly in recognition of the accessibility to the future Transitway station, and in pace with the development of station facilities.

Generally, City Council encourages the full enclosure of the regional shopping centre to provide a facility that is climate controlled in all seasons. As noted above, it is expected that the initial developments will be in an unenclosed open air format. It is Council's strategy in the Official Plan to provide incentives to encourage the full enclosure of the regional shopping centre in the area designated RSC-2 on Schedule B. For the purposes of this policy, full enclosure of the regional shopping centre shall mean a completely enclosed structure that is climate controlled in all seasons. To ensure that full enclosure of the regional shopping centre is given regular consideration, the following policies will be applied to developments that are not fully enclosed:

1. Council will review the planning policies and zoning regulations within five years of the date of the adopting of the policies and regulations; or,
2. Council will review the feasibility of enclosure of the existing and proposed development upon the completion of each phase of the shopping centre, whichever comes first; and,

3. Council may require the full enclosure of existing and proposed development prior to the site plan control approval of all subsequent phases; and,
4. Council's decision on enclosure shall be based on information to its satisfaction including but not limited to matters such as:
 - (a) market and economic information,
 - (b) community desires based on consultation,
 - (c) other information as may be required by Council.

It is also Council's intent to ensure a logical and orderly phasing of the regional shopping centre with new development being a contiguous progression from existing development.

Council's policy on the phasing of the regional shopping centre is:

1. Development of a new phase may not proceed until 75% of the preceding phase has been completed to the satisfaction of Council;
2. Development of a new phase shall be physically contiguous by way of buildings and structures with the development of the preceding phases.

The regional shopping centre, in its initial phases, will also provide open spaces and places where people can gather and interact at strategic locations. These can occur in an open air or a fully enclosed building. The City Walk provides opportunities for this, such as the forecourt of the existing AMC theatre complex. Another suggested location is the southerly terminus of the extension of Main Street, east of the AMC theatre complex.

A key required feature of new retail and service development in this area is that such uses must be organised and located along a major pedestrian way that extends south-east from Earl Grey Drive to the front of the theatre complex and then east to connect with the southerly extension of Main Street from Castlefrank Road. This may be extended east of Main Street to the hotel as an optional approach. For the purpose of this plan, this pedestrian way shall be referred to as the City Walk.

The City Walk will function as an urban pedestrian street and provide settings for people to gather and interact. The width of the City Walk will enable comfortable pedestrian movement and be maintained year-round. It will also be designed to enable full enclosure in the future. The initial developments will provide shelter and shade structures and planting.

The City Walk is one of the most important structural elements of the regional shopping centre and it is intended to function as a pedestrian-oriented people place. In this regard the City Walk is defined as a common pedestrian way that may be indoor or outdoor, with retail and service uses on opposite sides of the City Walk, and includes open spaces for public gathering. Motorized vehicles, except for emergency and service vehicles, are not permitted. Cycling is not permitted except for access to a bicycle rack. The minimum width of the City Walk should resemble an urban street.

All developments fronting on the City Walk shall have their principal entrances facing the City Walk. Only service and emergency entrances are permitted from the sides and backs of the buildings.

It is Council's intent to ensure an orderly pattern of development during the

building of parts of the City Walk and a one-sided strip commercial plaza is not permitted. To ensure this, the zoning by-law will require a minimum and equal frontage of development on opposite sides of the City Walk. In addition a break in the building facades for access will be controlled by a minimum and maximum distance in the zoning by-law. A larger break is permitted in the case of a branch of the City Walk. It is desirable and advantageous that a consistent level of architectural treatment be provided on all sides of the buildings facing the City Walk. It is Council's policy that this approach will be taken in the application of urban design guidelines and during the design approval of developments in the regional shopping centre.

One of the specific functions of the regional shopping centre is to protect and provide for the opportunity to locate higher order retail uses, such as fashion stores, in this area. These higher order retail uses are typically located in stores ranging from small boutiques to large department stores. To create the setting for this and to ensure an appropriate mix of stores and services, the following policy will apply in the area designated RSC-2 on Schedule B:

1. Large Retail Warehouse Uses are not permitted. These uses are retail warehouses of more than 5,000 m² GLA.
2. Department stores and theatre complexes are permitted without any GLA limit but the GLA for these uses is included in any calculation of the total GLA for the purposes of determining aggregate RSC-2 development.
3. Other retail and service GLA, such as restaurants, are allocated as follows:

<u>% of Total GLA</u>	<u>Permitted GLA in m²</u>
25%	2,000 to 5,000
50%	500 to 1,999
25%	499 or less

4. All retail and service GLA development, except for department stores and the existing theatres, shall be designed, constructed and allocated based on the overall proportions as described above. No development of a phase or of individual stores and services above 2,000 m² GLA shall be permitted without development of retail and service GLA of less than 2,000 m² based on the proportions required in this policy.
5. The retail allocations do not apply in the case of retail and service development located in a fully enclosed shopping centre.

Future developments that are subject to private agreements that restrict or prohibit the types or locations of developments that are desired by this plan may have the effect of delaying or preventing the achievement of the implementation of this plan. These agreements may not be used as a reason to oppose a site plan control requirement or other policy required by this plan or a zoning amendment. Existing developments in this area that have such agreements are exempt from this policy.

This area shall also permit a limited amount of high density office and/or residential uses in buildings that are located adjacent to or in close proximity with the future Transitway station. These buildings should be attractively designed and act as landmarks at the foot of the south extension of Main Street and along

Highway 417. Parking requirements shall be significantly reduced for these buildings and the provided parking may be located in the common parking areas when the Transitway station is available.

The Transitway, the station and the park and ride facility will be developed in phases on lands adjacent to Highway 417. It is envisioned that a grade separated station structure will be developed and the location of buildings, roads and parking areas on privately owned lands should not impede this potential structure. Access facilities from the City Walk should be provided in proportion with the magnitude of the Transitway station structure so that as the station builds up the access facilities become enclosed and weather protected, and grade separated. In addition, development of the uses in the RSC-2 is also permitted in the Transitway area, subject to agreements regarding air rights and the adequacy of infrastructure and the traffic system in the surrounding area.

RSC-3

This area is located along the south side of Castlefrank Road, south-east of Earl Grey Drive, and it is intended to be primarily a high density office employment area with the potential for high density residential uses and a limited amount of retail and service uses on the first and second level of an office or residential structure. These retail and service uses are limited to a maximum aggregate of 5,000 square metres GLA and individual uses of this type should not exceed 200 square metres GLA. The main entry for these uses shall be from Castlefrank Road, Main Street, Earl Grey Drive or Lord Byng Way. A major entry structure leading to the retail areas in the RSC-2 area is permitted to be located at grade fronting on Castlefrank Road as part of a larger office structure. Free-standing retail and service uses such as those located in the RSC-1 area are not permitted in this area. Surface parking for some initial developments in the area designated RSC-2 is permitted, provided such parking does not prevent the long term use of this area.

This area is also intended as a transitional area from the Central Business District and the Main Street area on the north side of Castlefrank Road to the RSC-2 area to the south. It is intended that the level of employment development that is contemplated for the Kanata Town Centre in this official plan shall be maintained in this designation. An internal road that runs at grade behind the future buildings, east-west between Earl Grey Drive and the Main Street extension, will provide the primary vehicle entry to parking areas located north of the City Walk retail areas. The existing hotel is included in this designation.

- E. Section 5.7.6.4, Section 5.7.6.6, Section 5.7.7.6 and Section 5.7.8.6 are amended by deleting the terms "Regional Shopping Centre Site" and "Regional Shopping Centre" respectively where they appear and inserting the term "Kanata Regional Shopping Centre".
- F. Section 5.7.8.1 is amended by revising the title to read "Urban Design Plans and Master Concept Plans" and by inserting the following text between the first and second paragraphs of the existing text:

"In 1998 and 1999, the City of Kanata updated its plans for the Kanata Town Centre with the preparation of the Kanata Town Centre Master Concept Plan and the Kanata Regional Shopping Centre Master Concept Plan.

These documents were prepared to provide a design and development strategy for the parts of Kanata Town Centre located north of Highway 417, and between Terry Fox Drive on the west and the hydro right-of-way on the east.

The area north-east of Castlefrank Road contains the Central Business District, Main Street and primary Open Space Areas. The area south-west of Castlefrank Road is the Kanata Regional Shopping Centre.

These master concept plans were prepared taking into account the basic design principles of the Kanata Town Centre, the input of the public and other stakeholders, market conditions and engineering requirements.

These master concept plans are part of the appendices of this Official Plan but do not form an actual part of the Official Plan.”

- G. Section 5.7.8.1 is further amended by adding the expression “and Master Concept Plan” immediately after the expression “Urban Design Concept Plan” and by adding the expression “and Master Concept Plans” immediately after the expression “Revised Urban Design Concept Plans” where they appear respectively in the third paragraph.

- H. Section 5.7.8.2 is amended by adding the following paragraph immediately after the existing text:

“In addition, design guidelines will be prepared for the Kanata Regional Shopping Centre. It is intended that all developments shall be consistent with the Design Guidelines for the Kanata Regional Shopping Centre as approved by City Council.

No development will be permitted beyond the existing development as of June 1, 1999 until the Design Guidelines for the Kanata Regional Shopping Centre have been approved by City Council.

The application of the performance standards of the zoning by-law shall be consistent with the Design Guidelines for the Kanata Regional Shopping Centre. These design guidelines will be referenced in the implementing zoning by-law and included in all applicable site plan control and subdivision agreements.

These design guidelines are part of the appendices of the Official Plan but do not form an actual part of the Official Plan.”

- I. Section 12.0 is amended by adding a new subsection entitled “12.3 Urban Design Plans and Master Concept Plans” immediately after the existing text, to read as follows:

“12.3 Urban Design Plans and Master Concept Plans

From time to time, Council may adopt Urban Design Plans or Master Concept Plans for specific areas of the City to assist in policy interpretation. While not resident within the Official Plan, these documents shall form an Appendix to the Plan. Currently, Council has adopted Urban Design Plans or Concept Master Plans for the following areas;

- Kanata Town Centre Demonstration Plan (1993)
- Kanata Town Centre Master Concept Plan (1998)
- Kanata Regional Shopping Centre Master Concept Plan (1998)”

- J. Schedule B entitled "Urban Area Land Use" is amended by redesignating those lands in accordance with Schedule "A" attached.

Implementation

The Implementation and Interpretation of this Amendment shall be in accordance with the policies contained in this Amendment and in accordance with the policies of the City of Kanata Official Plan.

PART C - THE APPENDICES

1. APPENDIX 1 - PUBLIC NOTICE

In accordance with Sections 17 and 21 of the Planning Act, R.S.O. 1990 as amended from time to time, the City of Kanata provided notice of this Amendment in the Kanata Courier-Standard on April 30th, 1999 and May 7th, 1999. A copy of this notice is attached herewith.

2. APPENDIX 2 - PUBLIC MEETING

The Public Meeting was held as part of the Regular Council Meeting on June 1, 1999. Relevant excerpts of the minutes from that meeting are attached as Appendix 2 to this document. Council has also considered the proposed Amendment at their meeting on June 15, 1999. Extracts of the minutes of that meeting are also attached herewith.

3. APPENDIX 3 - ISSUE PAPER

The report entitled "City of Kanata Regional Shopping Centre Master Concept Plan Issue Paper" was prepared in March 1999 for the City of Kanata by Lloyd Phillips & Associates Ltd., Pricewaterhouse Coopers LLP and Petroff Partnership Architects. This report provides background information and a discussion of the issues related to the regional shopping centre.

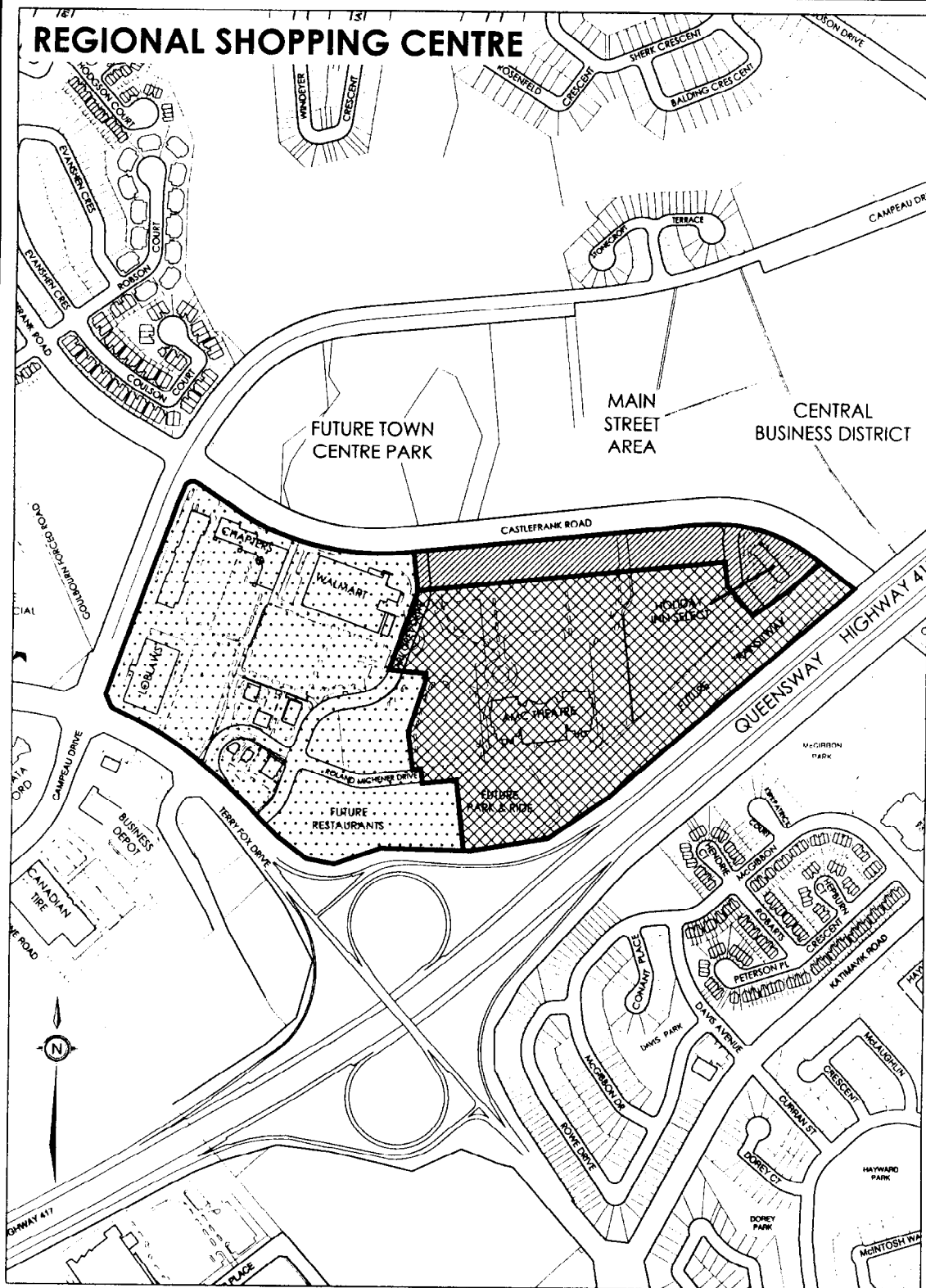
4. APPENDIX 4 - MASTER CONCEPT PLAN

The report entitled "Regional Shopping Centre Concept Master Plan" was prepared in April 1999 by the same consulting team as the Issue Paper for the City of Kanata. The report presents the master concept plan that is the basis of Amendment No. 51.

5. APPENDIX 5 - DESIGN GUIDELINES

The Design Guidelines for the Kanata Regional Shopping Centre will be prepared and incorporated into this Appendix upon their approval by City Council.

REGIONAL SHOPPING CENTRE



LEGEND

Lands to be redesignated from



RSC TO RSC-1



CBD/RSC TO RSC-2

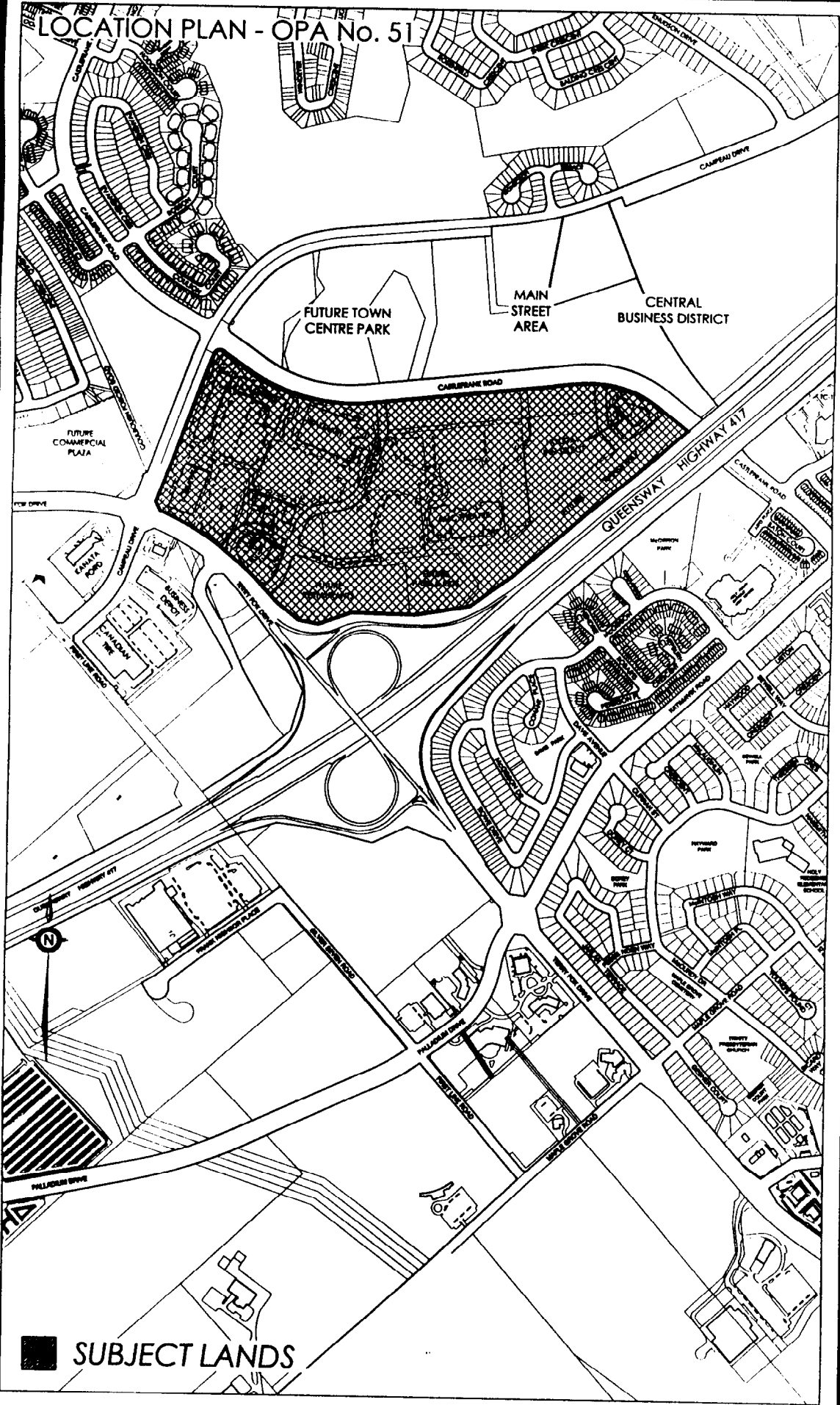


CBD/MS TO RSC-3

This is Schedule "A"
To OPA No. 51
City of Kanata
Official Plan
Schedule B
Urban Land Use

Date June 15th 19 99
Drawn By S.A.F.
Scale N.T.S.
Checked By K.F.
Planning Officer
Description
Pt. of Lots 2 & 3,
Concession 2
City of Kanata

LOCATION PLAN - OPA No. 51



■ SUBJECT LANDS

Extract of Draft Minute
Planning and Environment Committee Minutes
13 July 1999

LOCAL OFFICIAL PLAN AMENDMENT 51 CITY OF KANATA

- Planning & Development Approvals Commissioner's report dated 28 June 1999

Moved by A. Munter

That the following be added to the staff recommendation: ” and that staff be instructed to support the City of Kanata’s approach to moving towards an enclosed mall.

CARRIED

YEAS: P. Hume, J. Legendre, A. Munter and W. Stewart.....4

NAYS: D. Beamish, B. Hill and G. Hunter.....3

The Committee then considered the staff recommendation as amended.

That Council approve Amendment 51 to the City of Kanata’s Official Plan as outlined on the Approval Page attached as Annex 1 and that staff be directed to issue the required “notice of decision” and that staff be instructed to support the City of Kanata’s approach to moving towards an enclosed mall.

CARRIED

Moved by A. Munter

That Council be requested to waive the rules of Procedure to consider this item at its meeting of 14 July 1999.

CARRIED