



CATARAQUI REGION CONSERVATION AUTHORITY

1641 Perth Road, P.O. Box 160 Glenburnie, Ontario K0H 1S0
Phone: (613) 546-4228 Fax: (613) 547-6474
E-mail: crca@cataraquiregion.on.ca Website: www.cataraquiregion.on.ca

November 20, 2009

File: SUB-CKN
OP-CKN
ZB-CKN

Sent by Fax

Mr. Steven Chew, Senior Planner
Planning and Development Services
City of Kingston

Dear Mr. Chew:

**Re: Application for Draft Plan of Subdivision Approval (D12-049-2009)
Application for Official Plan Amendment (D09-042-2009)
Application for Zoning By-law Amendment (D14-151-2009)
Sibbit Road Subdivision (1766804 Ontario Limited)
585 Sibbit Avenue / St. Lawrence River Watershed**

Staff of the Cataraqui Region Conservation Authority (CRCA) have reviewed the conditions proposed for the Draft Plan of Subdivision provided by the City of Kingston for 585 Sibbit Avenue.

CRCA staff are satisfied that Conditions 11 (Required Studies) and 13 (Stormwater Management) allow for the concerns that were outlined in our correspondence dated September 25, 2009 to be addressed through the Final Plan of Subdivision process.

As such, staff have no objection to approval of applications D12-045-2009, D09-041-2009 and D14-146-2009 based on our consideration of natural hazards, natural heritage and water quality and quantity protection policies.

Please inform this office in writing of any decision made by the City with regard to this application. If you have any further questions please contact the undersigned at (613) 546 4228 extension 258 or by email at isemple@cataraquiregion.on.ca.

Yours truly,

Ian Semple, M.Pl.
Environmental Planner



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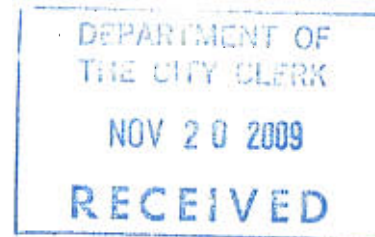
542-9965

November 20, 2009

File: ZB-CKN-140-2009

Sent by fax

Mr. Jason Budd, Senior Planner
Development Approvals Division
Planning and Development Services
City of Kingston



Dear Mr. Budd:

**Re: Application for Zoning By-law Amendment D14-166-2009 (Gay & Holder)
271 Main Street, Barriefield
Great Cataraqi River**

Staff of the Cataraqi Region Conservation Authority (CRCA) have received the above-noted application for zoning by-law amendment and provide the following comments for Council's consideration. The site was visited on November 19, 2009.

The purpose of this application is to modify the existing zoning and to rezone a recent 38 m2 lot addition to allow for a reduced lot frontage of 7.0 m and required driveway setback. The property is currently designated 'Heritage Residential' in the City of Kingston Official Plan and 'Holding Special Residential R1-47-H' in the implementing Zoning By-law.

The subject lands are vacant and have a moderate slope from Main Street west towards the shoreline of the Great Cataraqi River. A portion of the shoreline area on the subject lands is designated as a Provincially Significant Wetland (PSW). The subject lands are heavily vegetated with a mix of mature trees and shrubs. Existing residential uses exist to the north and south of the subject lands.

The main interests of the CRCA in these applications are the avoidance of erosions hazards associated with the shoreline of the Great Cataraqi River and the protection of the Provincially Significant Wetland.

Staff have no objection to the approval of applications D09-046-2009 and D14-158-2009 based on our consideration for natural hazard, natural heritage, and water quality and quantity protection policies. Please provide the CRCA with a written copy of any decision made by the City regarding this application.

The CRCA has a Regulation controlling *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses* (Ontario Regulation 148/06), made pursuant to Section 28 of the *Conservation Authorities Act*. Staff note that the entire property is located

Member of



Conservation
ONTARIO
Natural Champions

Mr. Jason Budd (D14-166-2009)
November 20, 2009

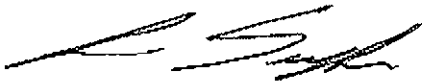
within the regulated 120 m adjacent land area of the PSW and a portion of the property is located within the erosion hazard setback required from the river. CRCA staff recommend that any proposed development be setback from the shoreline to the greatest extent possible.

Prior to considering any development and site alteration of this property, present and future landowners are required to contact the CRCA to obtain a permit. Supporting documentation, including an Environmental Impact Statement and a slope stability analysis, may be requested depending on the development that is proposed for the site. The applicant is encouraged to contact the CRCA early in the development proposal to determine the scope of any required studies.

The CRCA charges fees for the review of applications submitted under the *Planning Act*; the current fee for a zoning by-law amendment is \$250. We request that payment of these fees be submitted to this office at the applicant's earliest convenience.

If you have any questions, please contact the undersigned at 613-546-4228 ext. 258, or via e-mail at isemple@cataraquieregion.on.ca.

Yours truly,



Ian Semple, M.Pl.
Environmental Planner



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E-mail: crca@cataraquiregion.on.ca Website: www.cataraquiregion.on.ca

November 18, 2009

File: SPC-CKN

Sent by Fax

Ms. Karen Fraser, Planner
Development Approvals Division
Planning and Development Services
City of Kingston

Dear Ms. Fraser:

**Re: Application for Site Plan Approval D11-180-2007 – Second Submission
Lowe's Companies Canada
1035-1085 Gardiners Road / Little Cataraqui Creek Drainage Area**

Staff of the Cataraqui Region Conservation Authority (CRCA) have received the City's technical circulation for the above-noted application and have reviewed the following reports and drawings submitted in support of this application:

- Stormwater Management Report, Pittura Husson Limited, dated October 2009
- Site Plan Drawings and Diagrams, Series SW and SA, dated October 30, 2009
- Letter detailing response from Pitura Husson Limited on initial comments, dated October 30, 2009

As discussed in our previous correspondence, dated October 23, 2009, the main interest of the CRCA in this application is the provision of adequate stormwater management and sediment and erosion control measures.

Staff have reviewed the response provided by Pitura Husson Limited, dated October 30, 2009, to our initial comments and are satisfied that our concerns have been adequately addressed. The following additional comments have been prepared based on our review of the revised application and are provided for consideration by the City and for action/response from the applicant:

- 1) It is noted that with the change in building location that the storage locations for stormwater have also been shifted. The Stormwater Management plan relies on a combination of storage locations including rooftop, stormsewer, underground chamber, as well as ponding on parking lot surfaces and landscaped areas. Staff note that the Underground Storage Chamber has been reduced in volume from 425 m³ to 175 m³. Storage volumes for the other areas have also been modified.



Ms. Fraser (D11-180-2007)
November 18, 2009

Section 5.3.1 of the Stormwater Management Report lists the storage requirements within the 100 and 200 catchments; however it is unclear how the underground storage chamber was sized for 175 m³. This represents a significant decrease in storage volume from the previous submission. Please indicate how this underground storage chamber was sized.

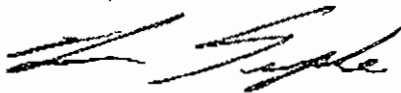
- 2) The Site Utility Plan, SW-S1, shows orifice controls at Manhole 1 and Manhole 10. The location of these controls is consistent with the Stormwater report content but SW-D2 indicates orifice controls at Manhole 1 and Manhole 11. Please correct drawing SW-D2 to correspond with Stormwater Report and Site Utility Plan.
- 3) The new plan includes a drainage swale along the northern site boundary. The swale is to convey overland flow that originates from the site to the North. Staff note that the swale appears to be located north of the lot line associated with this parcel (see drawing SW-G1). Staff have no concerns regarding the location of the swale from a watershed perspective but note that an agreement may need to be reached with the neighbouring parcel owner for this portion of the construction.

Recommendation

Staff request that approval of the proposed Site Plan be deferred, until such time that the above-noted stormwater management issues are addressed to the satisfaction of the CRCA and that the necessary revisions to the site plan drawings are made. Please inform this office of any decision made by the City with regard to this application.

Thank you for waiting for our comments. If you have any questions please contact the undersigned at (613) 546-4228 extension 258, or by e-mail at isemple@cataraquieregion.on.ca. Stormwater management queries can be directed to Peter Hebert at extension 284, or by e-mail at phebert@cataraquieregion.on.ca.

Yours truly,



Ian Semple, M.Pl.
Environmental Planner

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Rob & Alevia Colwell
 8-1098 King Street West
 Kingston, ON
 November 25, 2009

Planning Department
 City of Kingston
 1211 John Counter Boulevard
 Kingston, ON

Reference File # D14-164-2009 Zoning By-Law Amendment
 Address 1102, 1106, 1110 King Street West, Kingston
 Application submitted by Elevator Bay Developments Ltd. (*Admiral's Walk Residences Inc.*)

Attention: Jason Budd, Copy to George Wallace

The purpose of this letter is to record our objection to this Zoning By-Law amendment request to increase the number of dwelling units approved for the subject property and the simultaneous request to apply a 0.60 parking ratio to all residential dwelling types (net effect to reduce the number of parking places).

The City in late 2007 approved a similar zoning amendment for the same property over the objection of many of the other property owners in the immediate vicinity. Reference City Planning Department File # D14-092-2007. Our concerns remain unchanged.

Increased Density

The current request further increases the density of the development, resulting in a 30% increase in the height of the building (from 10 stories to 13 stories) in immediate proximity to our townhouse neighbourhood and an increase of 28% in the number of residences approved for the site versus the zoning originally approved and in effect when we purchased our home.

Description	1987	1991-1994	2007	2009
File #		A-SPC-4.0369-87	D14-092-2007 D12-027-2007	D-14-164 2009
City Report #			PC-07-064	
Owner			Admiral's Walk Residences Inc	Elevator Bay Development Ltd
# of Buildings	1	3	3	3
Building Height (stories)/Units	18/343	13, 16, 12	10/154, 17/136, 16/130	13/169, ???, ???
Parking	642 enclosed	577 (394 enclosed)		
Dwelling Units	343	343	343	363
Condominiums	343	343	266	271
Retirement home suites	0	0	154	145 + 24 units= 169
Total Residences	343	343	420	440
Index to 1987 Plan	100	100	122	128

Increased Building Height

The increased building height required to accommodate the increased number of units requested will have a significant negative impact on our quality of life and increase our heating costs by blocking the solar energy benefits we currently enjoy. The effect on the townhouses on the west side of 1098 King Street is to effectively delay sunlight from reaching the units (currently daybreak) until 11:00 am (based on Shadow Study on file). For the townhouses on the east side, the effect will be for the sun to set (be blocked) by 2:00 pm in the afternoon. Please see attached "shadow map".

Parking Pressure

The Planning Department is reminded that the property proposed for development is surrounded by water on three sides and a 4 lane main artery (King Street) on the fourth side. If insufficient parking is not planned on-site, there is no overflow/surge capacity parking available. We also note that the site has been tentatively zoned to include a major marina. The current City by-laws do not specify the parking ratio per marina boat slip. The Planning Department/Committee should establish a parking ratio now (0.60-0.80 per zoned marina boat slip is recommended) to insure this future parking pressure is considered and part of any zoning amendments for the subject property.

Planning Department Report # PC-07-064 dated September 6, 2007

It is requested that this report be incorporated as a matter of record with this most recent development request in that it succinctly identifies all the concerns related to any further increase in density and recommends against any reduction in parking ratios quote "*due to the relative isolation of the site from major transit routes and commercial centres*". This report is also very valuable in that it summarizes the commitments made by the developer and it is recommended that the Planning Committee incorporate/attach those same commitments to this most recent development request.

Site Plan Control Review Process

When the zoning by-law amendment request for the subject property was approved in 2007 it carried with it the caveat that approval to the site plan control review process would be elevated to Council. We request that a similar stipulation be attached to the 2009 development request.

Thank you for your time and attention to these concerns.

Rob & Alevia Colwell

Copies to:

- Mark Gerretsen
- Board of Directors FCC 40 Commodore's Cove 1098 King Street West
- City of Kingston Planning Committee Members:
 - Steve Garrison , Bill Glover , Dorothy Hector , Lisa Osanic , Vicki Schmolka , Ed Smith

Kingston, Ontario

Latitude: 44° 14' 00" N
Longitude: 76° 30' 00" W
EST = GMT - 5

**KINGSTON
RETIREMENT
RESIDENCE**
AMICA (KINGSTON) INC.

**Winter Solstice
Shadow Study**

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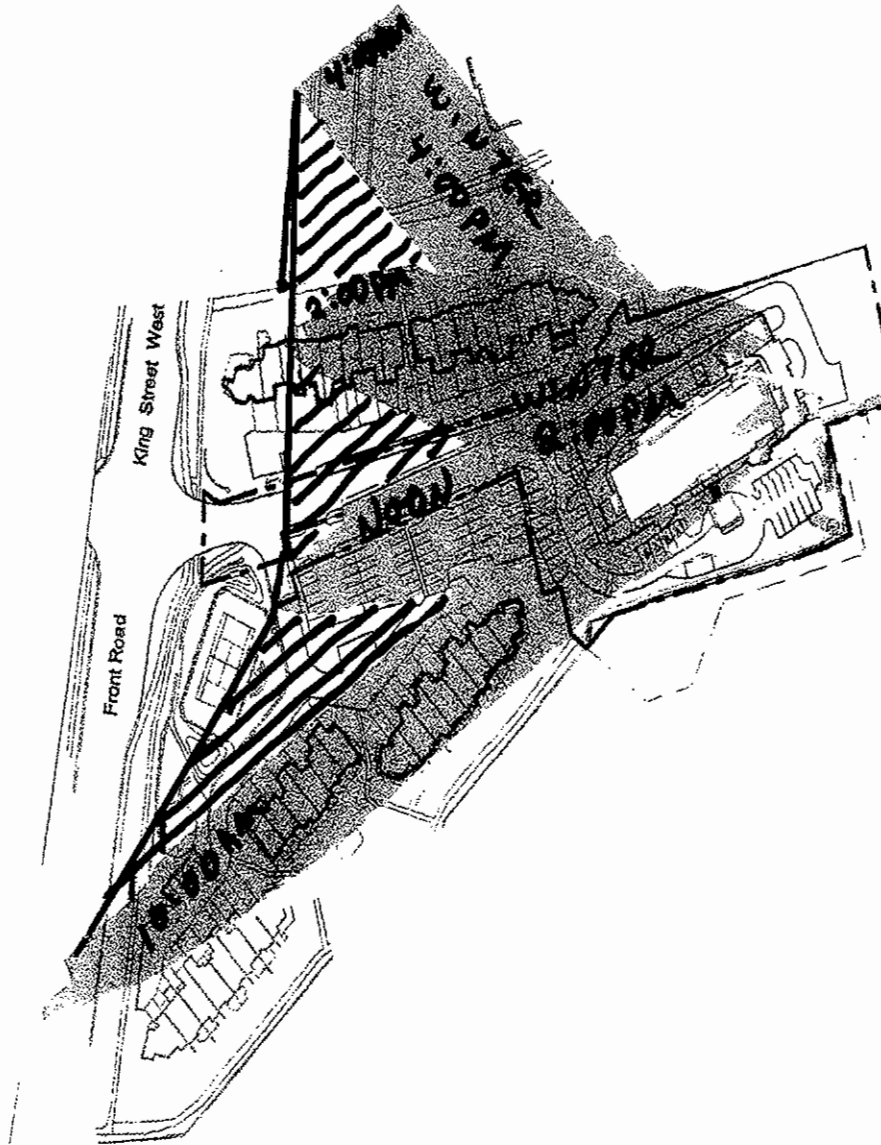
Project number: 2264-06

Scale: As indicated

Date: 09/24/09

OCT 01 2009

At 6:00 PM



27/09/2009 9:59:17 PM

Thompson, James C

Subject: FW: Opposition to Zoning By-Law Amendment City File # D14-164-2009 December 3, 2009
Public Hearing
Attachments: 09 11 20 city notice of objection.doc

From: Rob Colwell [r
Sent: Wednesday, November 25, 2009 9:48 PM
To: Budd, Jason; Wallace, George
Cc: ', Glover,
Bill; Gerretsen, Mark; 'Rob Colwell'; ft Garrison, Steve; Hector, Dorothy; Schmolka, Vicki; Smith,
Ed; Osanic, Lisa; Downs, Carolyn; Beach, Cynthia
Subject: Opposition to Zoning By-Law Amendment City File # D14-164-2009 December 3, 2009 Public Hearing

Good Evening,

Attached please find my letter of opposition to the proposed Zoning By-Law Amendment City File # D14-164-2009 to be discussed at the Public Meeting on December 3, 2009 as announced in the City of Kingston Notice of Public Meeting of December 3, 2009 at 6:30 pm in the Council Chambers, City Hall, 216 Ontario Street letter received from Carolyn Downs, City Clerk Dated at Kingston, Ontario on the 13th day of November, 2009.

1. **Point of Order** – I respectfully request that the Meeting on this By-Law Amendment be rescheduled in that the Applicant Name on the KEY MAP is designated as ADMIRAL'S WALK RESIDENCE INC. but the Applicant named in the Notice of Public Meeting is ELEVATOR BAY DEVELOPMENTS LTD. This discrepancy makes it difficult for the City and those taxpayers in the immediate neighbourhood to identify exactly with whom we are dealing and the validity of their supporting documentation.
2. **Concerns** – Please see the attached letter, for more specific details, but in summary:
 - a. since this development was originally approved in 1987, we have seen requests to **increase density** as measured by the increase in number of residential units from 343 to 440 (+28%) at the same time as the requests to reduce parking spaces have gone from 642 to something less than 577 (a reduction of at least 10%). This is a net difference of at least minus 38% during 20+ years since the initial zoning was approved. This, at a time when it is safe to assume that the standard of living of current and future residents of Kingston has substantially increased, and with that the likelihood of automobile ownership. I remind all, that we are talking about the development of a piece of property surrounded by water on three sides. There is no place to go for "overflow" parking.
 - b. The subject property has already been approved for a Marina. The **current zoning by-Laws of the City of Kingston do not include any guidelines on the parking ratio per boat slip**. The applicant has also chosen not to address this subject. In his book "Small Boat Harbours and Marinas" published in 1988, author _____ recommends a 0.80 ratio per boat slip. It would be appropriate for the Planning Department to bring forth a recommendation that a similar ratio be established for Marinas in the City of Kingston, and failing the Planning Departments willingness to so recommend, then it would be appropriate for the Planning Committee to move that Council approve a motion to incorporate same in the City of Kingston Official Plan Zoning By-Laws.
 - c. The increased density requested by the applicant(s) on what is a "**water-locked**" piece of property means that if the City of Kingston approves the request, the applicant has no choice but to increase the height of the buildings. This directly and immediately has an adverse effect on the passive solar heating the owners of the townhouses, known as FCC 40 – Commodores Cove, currently enjoy (*as documented by the **Shadow Study** dated September 24, 2009 of which a synopsis of the "Winter Solstice" is included in the attached document*).
 - d. Please incorporate in the final packet to be submitted to the Planning Committee the **City Report # PC-07-064 authored by George Wallace** which details the concerns registered by various parties as well as the commitments made by the developer at that time. The concerns are still valid and the City should

insist and secure a monetary deposit that the developer will honour the commitments made to-date. The legal name of the developer may or may not have changed (*see point of order above*), but the commitments made to secure approval to a Zoning By-Law Amendment at that time are still valid.

- e. **Lake Ontario Park** – the City received an overwhelming indication from the voters that Lake Ontario Park should remain / be developed as a “natural” park. Please bring to the Planning Committee and Council’s attention that the increased heights of the buildings proposed by the developer will have the effect of “walling in with concrete” the current view and ambiance of that location.
- f. When the Planning Committee approved a request to increase residential units and reduce parking on the same subject property **in 2007**, it also recognized the impact and importance of the Site Plan Control Review process, and insisted, that for this development, approval to such should be Elevated to Council. It is respectfully requested that any motion from the Planning Department to the Planning Committee and subsequently to Council contain the same request **“Site Plan Control Review be elevated to Council”**.

Jason, please note that I speak as a resident of a townhouse affected by the proposed Zoning by-Law amendment and not as a member of the Board of Directors of FCC 40 – Commodores Cove. Please also remind the Planning Committee that you and they invested valuable time and effort in reviewing a similar request in 2007, also opposed by many residents, and that the phrase “here we go again” applies. How **much money has the City spent so far in Planning Department hours in going over the same issues?**

Madame Chair Vicki Schmolka and **City Clerk Carolyn Downs** please note that I wish to address the Planning Committee at the December 3rd 2009 Public Meeting.

Thank you in advance for reviewing our concerns,

Rob & Alevia Colwell