



CITY OF KINGSTON
PLANNING COMMITTEE
MEETING NO. 02-2010
AGENDA

Thursday, January 7th, 2010
6:30 p.m. Council Chambers, City Hall

Please provide regrets to James Thompson, Committee Clerk at 613-546-4291, Ext. 1268; jthompson@cityofkingston.ca

COMMITTEE COMPOSITION

Councillor M. Gerretsen	Councillor W. Glover
Councillor D. Hector	Councillor L. Osanic
Councillor V. Schmolka	Councillor E. Smith

**PUBLIC MEETING
HELD PURSUANT TO THE PLANNING ACT
6:30 p.m.
APPLICATION FOR ZONING BY-LAW AMENDMENT**

An application for Zoning By-Law Amendment has been submitted for a portion of a City of Kingston property to be known as Cataraqi Estates Business Park Phase 1. The proposal will amend the existing 'Restricted General Industrial' (M6) zone to the site specific "Restricted General Industrial" (M6-2) zone within the former Kingston Township Zoning By-Law No. 76-26, as amended, to reduce the minimum lot area and lot frontage required in order to be consistent with the zoning in the existing developed area of the Cataraqi Industrial Estates.

File No. D14-170-2009

Cataraqi Estates Business Park Phase 1
City of Kingston; Applicant

(See Report PC-10-010)
(Pages 1-15)

**PUBLIC MEETING
HELD PURSUANT TO THE PLANNING ACT
6:30 p.m.
APPLICATION FOR ZONING BY-LAW AMENDMENT**

An application for Zoning By-Law Amendment has been submitted for 3029 Creekford Road which is described as Part of Lot 5, Concession 3 which is located on the south side of Creekford Road.

The applicant is requesting permission to change the existing General Agricultural 'A2' zone to a Site Specific General Agricultural 'A2-8' zone in Zoning By-Law No. 76-26, to satisfy a condition of Consent (D10-558-2009). The proposed zone change will recognize the existing semi-detached dwelling on the subject lot which is described as 3029 A/B Creekford Road and the reduced lot frontages and lot areas. The severed and retained parcels will each contain a semi-detached dwelling unit which will be severed along the common party wall.

File No. File No.D14-169-2009

**3029 A/B Creekford Road
Ann Harrison; Applicant
John R.A. Wilson; Agent**

**(See Report PC-10-011)
(Pages 16-33)**

**PUBLIC MEETING
HELD PURSUANT TO THE PLANNING ACT
6:30 p.m.
APPLICATION FOR ZONING BY-LAW AMENDMENT**

An application for Zoning By-Law Amendment has been submitted for 1368 Highway No. 15.

The subject site is approximately 0.38 hectares in size and is located in Lot 5, of Registered Plan No. 628 in Kingston East and is known municipally as 1368 Highway No. 15 (Refer to attached Key Map). The subject property is presently occupied by large three-storey house with a gross floor area of 343 square metres. It is used for nine single detached dwelling including a Bed and Breakfast business of up to 3 persons; this use is permitted by the current zone provisions. The property has frontage on Highway No. 15, an arterial road. The proposed zone change will keep the primary residential use of the existing R1 Zone and add a "Bed and Breakfast" as a permitted use. This use caters to short term residential occupancy primarily of a tourist nature.

File No. File No. D14-133-2008

**1368 Highway No. 15
N. & T. Dearsley; Applicant**

**(See Report PC-10-012)
(Pages 34-42)**

Regular Planning Committee Meeting No. 02-2010

1. MEETING TO ORDER
2. DISCLOSURE OF PECUNIARY INTEREST
3. CONFIRMATION OF AGENDA
4. CONFIRMATION OF MINUTES
 - a) THAT the minutes of Planning Committee Meeting No. 15-2009 held on September 3rd, 2009 be approved.
 - b) THAT the minutes of Planning Committee Meeting No. 01-2010 held on December 3rd, 2009 be approved.
5. DELEGATIONS / BRIEFING
6. BUSINESS
 - a) PUBLIC HEARING / COMPREHENSIVE REPORT
ZONING BY-LAW AMENDMENT
Catarauqui Estates Business Park Phase 1
Applicant: City of Kingston
File No. D14-170-2009

(Report No. PC-10-010)
(Schedule Pages 1-15)

Recommendation:

THAT, subject to comments received at the public meeting, it be recommended to Council that the Application for Zoning By-Law Amendment (Our File No. D14-170-2009) submitted by the City of Kingston for the property to be known as Catarauqui Estates Business Park Phase 1, **BE APPROVED**.

AND BE IT FURTHER RESOLVED that it be recommended to Council that the former Township of Kingston Zoning By-Law No. 76-26, as amended, be further amended as follows:

1. That Zone Map No. 3 of Zoning By-Law No. 76-26, as amended, is hereby further amended by changing the zone symbol of the subject site from 'M6' to 'M6-2' as shown on Schedule 'A' attached hereto and forming part of By-Law No. 2010-_____.

AND BE IT FURTHER RESOLVED that the Amending By-Law be presented to City Council for all three readings

- b) PUBLIC HEARING & COMPREHENSIVE REPORT (File No.D14-169-2009)
APPLICATION FOR ZONING BY-LAW AMENDMENT
3029 A/B Creekford Road
Applicant: Ann Harrison, Agent John R.A. Wilson

(Report No. PC-10-011)
(Schedule Pages 16-33)

Recommendation:

THAT it be recommended to Council that the application for Zoning By-Law Amendment (Our File No. D14-169-2009) submitted by Ann Harrison for the property municipally known as 3029 Creekford Road, BE APPROVED.

- and further -

THAT the former Township of Kingston Zoning By-Law No. 76-26, as amended, be further amended as follows:

1. Map 3 of Schedule 'A', as amended, is hereby further amended by changing the zone symbol of the subject site from 'A2' to 'A2-8' as shown on Schedule 'A' attached to and forming part of By-Law No. 2010-____.

- 1.2. That the following be added as Section 10(3)(h) of the By-Law:

“(h) **A2-8, 3029 A/B Creekford Road:**

Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 10 on the lands designated 'A2-8' on Schedule 'A' hereto. The following regulations shall apply:

(i) Permitted Uses

In addition to the provisions of Section 10(1), the permitted uses shall also include a semi-detached dwelling.

3029 A

- (ii) Minimum Lot Area – 0.6 hectares
- (iii) Minimum Frontage – 29 metres

And

3029 B

- (iv) Minimum Lot Area – 1.4 hectares
- (v) Minimum Frontage – 71 metres

AND BE IT FURTHER RESOLVED that the Amending By-Law be presented to City Council for all three readings.

- c) **APPLICATION FOR SITE PLAN CONTROL APPROVAL**
1766937 Ontario Inc.
805 Development Drive
File No. D11-269-2009

(Report No. PC-10-014)
(Schedule Pages 43-58)

Recommendation:

THAT it be recommended to Planning Committee that the application for Site Plan Control Approval (Our File No. D11-269-2009) submitted by 1766937 Ontario Inc. respecting the building known municipally as 805 Development Drive, requesting approval for the construction of a 614 square metre dental and chiropractic clinic be **APPROVED IN PRINCIPLE**;

- and further -

THAT the application be referred back to staff and that the Director of Planning and Development be authorized to issue final approval subject to:

- (a) All outstanding technical issues being resolved to the satisfaction of the City;
- (b) The Owner entering into a Site Plan Control Agreement with the City which shall list the approved plans and any special municipal conditions pertaining to the development; and,
- (c) The Owner submitting the required financial security.

- d) **ZONING BY-LAW AMENDMENT AND DRAFT PLAN OF SUBDIVISION**
1766804 Ontario Limited - Sibbit Avenue
File No. D14-151-2009 and D12-049-2009

(Report No. PC-10-015)
(Schedule Pages 59-81)

Recommendation:

WHEREAS an application for Draft Plan of Subdivision Approval and Zoning By-Law Amendment has been submitted by 1766804 Ontario Limited, for the lands known municipally as 585 Sibbit Avenue and abutting lands, to amend the zoning on 3.9 hectares (9.6 acres) of land from Institutional (I) and Development (D) Zone to Residential Type 1 Special (R1-5) Zone under Zoning By-Law No. 32-74 to allow plan of subdivision comprised of eight lots for single detached houses; and,

WHEREAS a Statutory Public Hearing was held on September 17th, 2009;

THAT it be recommended to Council that the Application for Zoning By-Law Amendment (Our File No. D14-151-2009) submitted by 1766804 Ontario Limited for 3.9 hectares (9.6 acres) of property located in Part of Lot D Adjoining Military Reserve and Fronting the St. Lawrence River, municipally known as 585 Sibbit Avenue, **BE APPROVED**.

AND FURTHER THAT it be recommended to Council that the Township of Pittsburgh Zoning By-Law No. 32-74, as amended, be further amended as follows:

1. By-Law No. 32-74 of the former Township of Pittsburgh "Zoning By-Law", as amended, is hereby further amended as follows:

- 1.1. Map 1 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from Institutional (I) Zone and Development (D) Zone to Residential Type 1 Zone Special Requirement "R1-5-H" Zone, as shown on Schedule "A" attached to and forming part of By-Law No. 2010-_____.

AND BE IT FURTHER RESOLVED that the Amending By-Law be presented to City Council for all three readings.

AND BE IT THEREFORE RESOLVED that it be recommended to Council that the application for a draft plan of subdivision for eight residential lots be approved with following conditions applied:

1. Approved Draft Plan:

That this approval applies to the Draft Plan of Subdivision, prepared by Grange W. Elliot Ontario Land Surveyors, dated August 8th, 2008 which shows the following:

- 8 residential lots (Lots 1- 8);
- 1 new roadway (Street 'A').

2. Streets and Civic Addressing:

- (a) That the road allowances included in this Plan shall be shown and dedicated as public highways.
- (b) That the Streets within this Plan shall be named to the satisfaction of the Municipality, in consultation with the Planning and Development Department, in accordance with the Municipality's Civic Addressing and Road Naming By-Law. The proposed street names shall be submitted by the Owner for approval by the Planning and Development Department and shall be included on the first submission of the engineering drawings.
- (c) That Prior to Final Plan Approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed lots and blocks by the Municipality's Planning and Development Department, in accordance with the Municipality's Civic Addressing and Road Naming By-Law.
- (d) That the road allowances within the Plan shall be designed in accordance with the Municipality's engineering standards and shall be dedicated to the Municipality free of all charges and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
- (e) Any dead end or open side of a road allowance within the Plan shall be terminated in a 0.3 m reserve to be conveyed to the Municipality free of all charges and encumbrances.
- (f) That the Owner shall agree that the location and design of any construction access shall be approved by the Municipality and/or the appropriate authority.
- (g) That an eastbound right-turn taper (minimum 60 metres in length) on Highway No. 2 shall be constructed at Sibbit Avenue at the Owner's cost.

3. Reserves and Easements:

- (a) That any dead ends and open sides of the road allowances created by this Plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust by the Municipality.
- (b) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority free of all charges and encumbrances.

4. Financial Requirements:

- (a) That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services including but not limited to fencing,

lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.

- (b) That Prior to Final Plan Approval, the Owner shall submit for the Municipality's approval a detailed breakdown of the construction costs for the works associated with the development of this Plan, including any cash surcharges or special levies. The construction costs shall be prepared and stamped by a professional engineer. The cost estimate shall be submitted in the Municipality's standard format for incorporation into both the Pre-Servicing and Subdivision Agreements.
- (c) That the Owner shall bear the expense of all off site works resulting from the approved public works design where such works are not subsidized under the Policies and By-Laws of the Municipality.
- (d) That the Owner agrees to reimburse the Municipality for the cost of any Peer Reviews of the Studies or Reports submitted in support of the proposed Plan of Subdivision.

5. Subdivision Agreement:

- (a) That the Owner shall enter into the Municipality's standard Subdivision Agreement which shall list all approved plans and municipal conditions as required by the Municipality for the development of this Plan.
- (b) The Subdivision Agreement between the Owner and the Municipality shall be registered against the lands to which it applies once the Plan of Subdivision has been registered.
- (c) That the Subdivision Agreement shall contain all necessary warning clauses and notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.

6. Holding Provisions:

That the use of holding provisions in accordance with Section 36 of the *Planning Act* shall be required by the Municipality. The terms for the removal of the '-H' Holding Symbol shall be in accordance with Section 24 of Zoning By-Law No. 32-74 and shall require the following:

- confirmation of sufficient servicing capacity for the development;
- that all necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner; and
- that a Zone Change Application has been approved by the Municipality to remove the '-H' Holding Symbol.

7. Engineering Drawings:

- (a) That Prior to Final Plan Approval, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and services, prepared and certified by a Professional Engineer and designed pursuant to the Municipality's Subdivision Design Guidelines and to the satisfaction of the Municipality. Such plans are to form part of the Subdivision Agreement.
- (b) That Prior to Final Plan Approval, the Owner shall submit a digital listing of the approved subdivision design drawings in the Municipality's standard format for incorporation into the Pre-Servicing and Subdivision Agreement.

8. Revisions to Draft Plan:

- (a) That any further subdivision of Blocks or additional road patterns on the Plan shall be completed to the satisfaction of the Municipality.
- (b) That Prior to Final Plan Approval of any part of the Plan, the Owner shall submit a revised Plan, if required, to reflect any significant alterations caused by this Draft Plan Approval.

- (c) That where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of road allowances and lotting, number of lots, etc.), these may be reflected in the Final Plan to the satisfaction of the Municipality.

9. Phasing:

- (a) That Final Plan Approval for registration may be issued in phases to the satisfaction of the Municipality, subject to all applicable fees.
- (b) That the phasing of the development shall be reflected in the Subdivision Agreement and on the approved subdivision design drawings to the satisfaction of the Municipality, taking into account the temporary termination of underground services, interim grading, interim stormwater management, operations and maintenance vehicle access and access for emergency vehicles.
- (c) That the phasing of the development shall be proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services.
- (d) That all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.

10. Zoning By-Law Compliance:

- (a) That the lands within this Draft Plan shall be appropriately zoned by a Zoning By-Law which has come into effect in accordance with the provisions of the Planning Act.
- (b) That Prior to Final Plan Approval, the Owner shall submit a Surveyor's Certificate which confirms that the lots and blocks within this Plan conform to the minimum lot frontage and lot area requirements of the applicable Zoning By-Law.

11. Required Studies:

- (a) That Prior to Final Plan Approval, the Owner shall submit a Geotechnical Study, certified by a Professional Engineer, to the satisfaction of the Municipality. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (b) That Prior to Final Plan Approval, the Owner shall demonstrate that the soil and groundwater quality of the property is compatible with a residential land use as defined by the generic criteria listed within the Guideline for Use at Contaminated Sites in Ontario (MOE, rev. 1997). The acceptable method for this demonstration would be a Phase I Environmental Site Assessment (ESA) performed in accordance with CSA standard Z768-01 and any required follow up investigations (Phase II ESA) or remediation. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

Should site remediation be required to meet the applicable soil and ground water criteria set out in applicable guidelines, the Owner shall submit to the Municipality Prior to Final Plan Approval, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment.

The Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the Municipality, meet the applicable soil and ground water criteria.

- (c) That Prior to Final Plan Approval all recommendations of the Servicing Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (d) That Prior to Final Plan Approval, a Storm Water Management Report and implementing plans for the development shall be prepared by a qualified Professional Engineer, to the satisfaction of the Municipality and Cataraqui Region Conservation Authority. Such plans shall be included in the Subdivision Agreement. The Owner shall carry out the recommendations of the report, at his expense, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority.
- (e) That Prior to Final Plan Approval, the Owner shall submit lot grading, drainage, erosion and sediment control plans, prepared by a Professional Engineer, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority.
- (f) That Prior to Final Plan Approval, the Owner shall submit for approval design plans for all public works and services prepared by a professional engineer to the satisfaction of the Municipality; such plans shall be incorporated into the subdivision agreement between the Municipality and the Owner.
- (g) That Prior to Final Plan Approval, the Owner shall submit a detailed Noise Impact Study with respect to the Draft Plan of Subdivision prepared to the satisfaction of the Municipality and the Ministry of Environment. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (h) That Prior to Final Plan Approval, the Owner shall submit a detailed Heritage Impact Study with respect to the designated property adjacent to the plan of subdivision prepared to the satisfaction of the Municipality. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

12. Archaeological Assessment:

- (a) That the Owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource requirements.
- (b) That Prior to Final Plan Approval and Prior to Commencement of any Works on any site identified as being archaeologically significant, the Owner shall carry out archaeological excavations of such sites to the satisfaction of the Ministry of Culture and the Municipality; the Owner shall agree to take protective measures required by the Municipality for such sites.
- (c) In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Culture (416-314-7123) and the City of Kingston Heritage Planner (613-546-4291 ext 1386) must be immediately contacted.
- (d) In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8494), the Cultural Program Branch of the Ministry of Culture (416-314-7123), and the City of Kingston Heritage Planner (613-546-4291 ext 1386) must be immediately contacted.

13. Stormwater Management:

- (a) That Prior to Final Plan Approval, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority. The approved plans shall be included in the Subdivision Agreement between the Owner and Municipality.
- (b) Prior to Final Plan Approval and Prior to any Works Commencing on the Site, the Owner shall submit for approval by the Municipality and the Cataraqui Region Conservation Authority (CRCA), a detailed engineering report(s) that describes the storm drainage system for the proposed development, which shall include:
 - i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
 - ii) the location and description of all outlets and other facilities;
 - iii) storm water management techniques which may be required to control minor and major flows;
 - iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
 - v) overall grading plans for the subject lands;
 - vi) storm water management practices to be used to treat storm water, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat; and
 - vii) have regard for and describe the anticipated drainage impact on the abutting lands to the north and east, such as 66 Faircrest Boulevard.
- (c) That the Owner shall agree to maintain all storm water management and erosion and sedimentation control structures operating and in good repair during the construction period.
- (d) The subdivision agreement between the Municipality and the Owner shall make provision for the Owner to carry out the recommendation of the Final Storm Water Management Report, at the Owner's expense, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority.

14. Cash-in-Lieu of Parkland Conveyance:

That Prior to Final Plan Approval, the Owner shall provide 5% Cash-in-Lieu of parkland conveyance based on an appraisal of the Draft Plan of Subdivision lands by a qualified appraiser.

15. Tree Inventory / Street Trees:

- (a) That prior to any grubbing/clearing or construction on parcels of land not defined as roadways or servicing easements on the draft plan, the Owner shall receive final approval from the Municipality for a Tree Preservation plan prepared for the subject lands. The final approved tree inventory plan shall be prepared by a certified arborist (ISA approved), and shall set out the surveyed locations of all trees on the site. The tree inventory shall list the species, caliper size, condition, crown radius and indicate whether the tree is to be retained or removed. If trees 6 inches (150 mm) or more in diameter are to be removed from the subject lands, the developer will abide by the conditions of the tree removal permit under the Tree Conservation By-Law which may, at the Supervisor of Forestry's discretion, include a tree preservation plan, a tree replacement plan or cash compensation for the value of the trees to be removed. If the tree is to be removed, a rationale for this action must be noted. If

significant trees or groups of trees are identified to be retained in the tree inventory, a tree preservation plan will be required prior to final approval at the discretion of the Municipality. This plan shall be reviewed and approved by the Municipality and be included as a schedule to the Subdivision Agreement. Requirements for the tree preservation plan are noted in the subdivision design guidelines produced by the Municipality.

- (b) That Prior to Final Plan Approval, the Owner shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the Municipality.

16. Community Mailboxes:

- (a) That Prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of Canada Post, identify the location of community mailboxes within the Plan, and shall identify such locations on drawings for approval by the Municipality. The locations of these community mailboxes shall be identified in the notice to future purchasers of the lots within the Subdivision.
- (b) That Prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of the Municipality, provide detailed design plans for the community mailboxes, including a landscape plan showing street furniture and complementary architectural features.
- (c) That the Owner shall provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).

17. Bell Canada Requirements:

That the Owner shall meet the following conditions of Bell Canada:

- i. That the Owner shall be requested to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the Municipality, or if no such conditions are imposed, the Owner shall advise the Municipality of the arrangements for servicing.
- ii. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the Municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (ie., 911 Emergency Services).
- iii. The Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

18. Utilities Requirements:

- (a) Prior to Final Plan Approval, the Owner shall satisfy all technical, financial and other requirements of Utilities Kingston regarding the design, installation, connection and/or expansion of electric distribution services, gas distribution services, water distribution services and sanitary sewer distribution services, or any other related matters.

- (b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Utilities Kingston and the Municipality.
- (c) The Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with Municipal standards and specifications.

19. Public Health:

- (a) That the locations for the proposed sewage systems shown in Drawing No. 3 of File A411-1021 prepared by AME Environmental are to be reserved for the purpose of installing a sewage system. This area shall not be used for any other purpose such as wells, driveways, pools or out buildings.
- (b) That the sewage systems will be installed in imported soil ($T \leq 15$ min/cm) due to the nature and depth of the existing soils.
- (c) That the sewage systems will be raised above existing grade (approximately 1.5 m). This may require the use of a pump/pump chamber depending on the home elevations.
- (d) That any deviation from the proposed locations outlined, shown in Drawing No. 3 of File A411-1021 prepared by AME Environmental, may require the proponent to employ the services of a professional engineer to design the new sewage system or locations.
- (e) That all purchasers are to be provided with a copy of the subdivision agreement and a copy of the terrain analysis (including drawing No. 3, File A411-1021) prepared by AME Environmental.
- (f) All Warning clauses recommended by the Noise Impact Study, Residential Development, S/E Quadrant of Highway 2 & Sibbit Avenue, City of Kingston for Ainley & Associates, prepared by J.E. Coulter Associates Limited, prepared December 8th, 2008.

20. Warning Clauses:

That the subdivision agreement between the Municipality and the Owner shall contain all necessary notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.

Public Health Warning Clauses:

That all agreements of sale contain the following warning clauses:

- a. That the locations for the proposed sewage systems shown in Drawing No. 3 of File A411-1021 prepared by AME Environmental are to be reserved for the purpose of installing a sewage system. This area shall not be used for any other purpose such as wells, driveways, pools or out buildings.
- b. That the sewage systems will be installed in imported soil ($T \leq 15$ min/cm) due to the nature and depth of the existing soils.
- c. That the sewage systems will be raised above existing grade (approximately 1.5 m). This may require the use of a pump/pump chamber depending on the home elevations.
- d. That any deviation from the proposed locations outlined, shown in Drawing No. 3 of File A411-1021 prepared by AME Environmental, may require the proponent to employ the services of a professional engineer to design the new sewage system or locations.
- e. That all purchasers are to be provided with a copy of the subdivision agreement and a copy of the terrain analysis (including drawing No. 3, File A411-1021) prepared by AME Environmental.

- f. All Warning clauses recommended by the Noise Impact Study, Residential Development, S/E Quadrant of Highway 2 & Sibbit Avenue, City of Kingston for Ainley & Associates, prepared by J.E. Coulter Associates Limited, prepared December 8th, 2008.

21. Model Homes:

That where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an Agreement with the Municipality, setting out the conditions, and shall fulfill all relevant conditions of that Agreement prior to issuance of a building permit.

22. General Conditions:

- (a) That the Owner shall pay any and all outstanding application fees to the Planning and Development Department, in accordance with the Municipality's Tariff of Fees By-Law.
- (b) That when requesting Final Approval from the Municipality, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor's certificate stating that the lots/blocks thereon conform to the frontage and area requirements of the Zoning By-Law.
- (c) That the Owner agrees to remove any driveways and buildings on site, which are not approved to be maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.
- (d) That the Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing prior to assumption of the works by the Municipality.
- (e) That Prior to Final Plan Approval, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by others to accommodate the subject plan.
- (f) That the Owner shall bear the expense of all off-site works resulting from the approved public works design where such works are not subsidized under the policies of the Municipality.
- (g) That the Owner shall agree to erect fencing in the locations and of the types as shown on the approved subdivision works drawings and as required by the Municipality.
- (h) That the Owner shall agree that no building permits, with the exception of model homes, will be applied for until the Municipality is satisfied that adequate access, municipal water, sanitary and storm services are available.
- (i) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- (j) That any existing well and/or septic systems that may be present on the site shall be decommissioned as per all applicable regulations pertaining to each.
- (k) That Lots 5 and 6 shall have blocks or parts drawn on them to allow the use of them for the extension of Greensboro Avenue; the use or transfer of the lands shall be at no cost to the Municipality. Appropriate warning clauses will be included in agreements of purchase and sale of these Lots.

23. Clearance Letters:

- (a) That Prior to Final Plan Approval, the approval authority shall advise that all Conditions of Draft Plan Approval have been satisfied; the clearance memorandum shall include a brief statement detailing how each Condition has been met.

- (b) That Prior to Final Plan Approval, the Municipality is to be advised in writing by the Cataraqui Region Conservation Authority the method by which Conditions 11 and 13 have been satisfied.

24. Lapsing Provisions:

- (a) That pursuant to Section 51(32) of the *Planning Act*, this Draft Plan Approval shall lapse at the expiration of three (3) years from the date of issuance of Draft Plan Approval if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.
- (b) That pursuant to Section 51(33) of the *Planning Act*, the Owner may submit a request to the approval authority for an extension to this Draft Plan Approval. The extension period shall be for a maximum of two (2) years and must be submitted prior to the lapsing of Draft Plan Approval. Further extensions may be considered at the discretion of the approval authority where there are extenuating circumstances.

- e) COMPREHENSIVE REPORT
APPLICATION FOR ZONING BY-LAW AMENDMENT
File No. D14-162-2009
Clermont Venture Group
652 Dalton Avenue

(Report No. PC-10-016)
(Schedule Pages 82-98)

Recommendation:

THAT it be recommended to Council that the application for Zoning By-Law Amendment (Our File No. D14-162-2009) submitted by Clermont Venture Group, for the property located at 652 Dalton Avenue, **BE APPROVED**.

AND BE IT FURTHER RESOLVED that it be recommended to Council that the former City of Kingston Zoning By-Law No. 8499, as amended, be further amended as follows:

1. That Zone Map No. 1 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol of the subject site from 'M.224' to 'M.389' as shown on Schedule 'A' attached hereto and forming part of By-Law No. 2010-____.
2. That the By-Law be amended by the addition of the following section to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS:

“389. Notwithstanding the provisions of Section 31A hereof to the contrary, on the approximately 0.96 hectare parcel of land known municipally as 652 Dalton Avenue, and zoned 'M.389' on Zoning Map No. 1 attached to and forming part of amending By-Law No. 2010- , the following provisions shall also apply:

- a) ADDITIONAL PERMITTED USES
Restaurant
Business or Professional Office
- b) MINIMUM FRONT YARD: 8.5 metres
- c) DISTANCE FROM WETLAND
No development shall be within 30 metres of the boundary of the Little Cataraqui Creek wetland; an encroachment of up to 7 metres into the setback is permitted within 20 metres of the exterior side lot line, subject to the approval of the Cataraqui Region Conservation Authority.”

AND BE IT FURTHER RESOLVED that the By-Law be presented to City Council for all three readings.

- f) Urban Design guidelines – New Neighbourhoods and Low and Medium Density Residential Intensification

(Report No. PC-10-013)
(Schedule Pages 99-105)

Recommendation:

This report is for information purposes.

- g) City Of Kingston Waterfront Strategy – Past Directions

(Report No. PC-10-001)
(Schedule Pages 106-113)

Recommendation:

THAT the "*Waterfront Strategy – Past Directions*" document be accepted as background information for the Waterfront Strategy, which will assist in the development of policies and recommendations to conserve and manage the City's waterfront.

7. OTHER BUSINESS

8. CORRESPONDENCE / DOCUMENTS

9. DATE OF NEXT MEETING

The next meeting of the Planning Committee is scheduled to be held on Thursday, January 21st, 2010.

10. APPLICATIONS RECEIVED / IN PROCESS

	Application Type	Applicant	Civic Address	File No(s).	Proposal	Status
i.	OPA/ZBA	Tim Donut Limited	667 Catarauqui Woods Drive	D09-022-2006 D14-065-2006	To allow commercial use on site	In abeyance
ii.	Draft Plan Sub	J.A. Pye (Ontario) Ltd.	Lyndenwood Sub, Block 133, 13M-69	D12-031-2007	To create 34 single family dwellings	Public Meeting held March 6, 2008.
iii.	ZBA	J.A. Pye (Ontario) Ltd.	Lyndenwood – Lots 63 – 84 & 106 – 111 & Block 134	D14-108-2007	To allow single family dwellings	Public Meeting held March 6, 2008.
iv	ZBA	Queen's University	143 Union Street	D14-116-2008	Expansion to School of Business.	Public Meeting held June 19, 2008
v	OPA/ZBA	Duffe Lane Cottage Assoc.	Duffe Lane Condominium	D09-038-2008 D14-131-2008	Proposed 14 unit vacant land condominium	Public Hearing held on Feb 19/09.
vi	OPA/ZBA	Chris Elliott	2959 Burbrook Rd.	D09-039-2008 D14-013-2005	to establish a material re-use facility	Closed
vii	ZBA	Nigel & Tessa Dearsley	1368 Highway 15	D14-133-2008	to allow Bed & Breakfast	Going to Public Meeting on Jan 7/10
viii	ZBA	1684426 Ontario Inc.	2500 Princess St.	D14-079-2007	To change from Industrial Development to allow mixed Commercial & Industrial	Public Meeting held Sept 18/08, in process
ix	ZBA	CJM Property Management	299 Concession St.	D14-142-2009	To increase the maximum height, lot occupancy, and gross leasable office area and to decrease the number of parking spaces, number of barrier free parking spaces and loading spaces in order to add 3 storeys to the existing building.	Public Meeting held on March 5, 2009
x	OPA/ZBA/Draft Plan of Sub	King's Town Development	790 Hwy 2 East	D09-041-2009, D14-146-2009 & D12-045-2009	Proposed residential development of 27 single family homes	In process
xi	OPA/ZBL/Draft Plan of Sub	1766804 Ontario Ltd.	585 Sibbit Ave.	D09-042-2009 D14-151-2009 D12-049-2009	To allow for 8 single family dwelling, with a minimum 1 acre lot area	Public Hearing held Sept 17/09 Comprehensive Report to Committee Jan 7/10
xii	ZBA	1324777 Ontario Ltd.	177-179 Alfred Street	D14-153-2009	To permit 3 storey rear addition resulting in 4-dwelling unit building with 24 bedrooms	Planning Committee recommendation for approval to Council on December 1, 2009
xiii	OPA/ZBA	Queen's University	390 King St. West	D09-046-2009 D14-158-2009	500 seat auditorium, 78 seat studio theatre, art gallery, lecture hall, music rehearsal room, and a production studio.	Public Hearing held on Sept. 17/09
xiv	ZBA	City of Kingston	370 King St. West	D14-159-2009	Reduction in front, side and rear yard set-backs, reduction in parking, reduction in loading bays and increase in maximum height	Public Hearing held on Sept 17/09

xv	OPA/ZBA	George Edward Lloyd & Jean Marc Rapin	247-249 Brock Street	D09-048-2009 D14-161-2009	The purpose of the applications is to additionally permit residential uses on the ground floor in the front of the building.	Approved by Council on December 15/09.
xvi	OPA/ZBA/Draft Plan of Sub	Greenwood Park Limited	Baxter Farm	D09-047-2009 D14-160-2009 D12-051-2009	To allow 144 single family residential lots, 6 future residential blocks, a stormwater pond, an environmental protection area and a park.	Public Hearing held on October 15/09
xvii	ZBA	Clermont Venture Group	652 Dalton Ave.	D14-162-2009	To allow office and restaurant as permitted uses.	Public Hearing held on October 15/09 Comprehensive Report to Committee January 7/10
xviii	ZBA	Elevator Bay Development Ltd.	1102, 1106 & 1110 King St. West	D14-164-2009	To increase the amount of units from 343 dwelling units to 363.	Public Meeting held on Dec 03-09
xix	OPA/ZBA	James & Lois Roettger	1371 Spooner Road	D09-049-2009 D14-163-2009		Public Meeting held on Dec 03-09
xx	ZBA	Dave Gay & Melia Holder	271 Main St., Barriefield	D14-166-2009		Public Meeting held on Dec 03-09
xxi	ZBA	Children's Aid Society	817 Division Street	D14-157-2009	The applicant is proposing to demolish the existing buildings and construct a three storey, 7,023 square metre administrative office building. In addition to the Frontenac Children's Aid Society, a portion of the office space will be leased to other similar social service agencies and a day-care centre.	Public Meeting held on Sept 3/09
xxii	ZBA	City of Kingston	Cataraqui Business Park (Phase 1)	D14-170-2009	The purpose of the application is to reduce the minimum lot area and lot frontage required for industrial development on the proposed future subdivided land.	Going to Public Meeting Jan 7/10
xxiii	ZBA	John Howard Society	771 Montreal Street	D14-165-2009		Going to Public Meeting on Jan 21/10
xxiv	ZBA	Ann Harrison	3029 Creekford Rd.	D14-169-2009		Going to Public Meeting on Jan 7/10

11. APPLICATIONS REQUESTED TO BE BUMPED UP TO PLANNING COMMITTEE FOR SITE PLAN CONTROL APPROVAL:

	Applicant	Civic Address	Related File No(s).	Proposal	Bump Up Request	Details
i.	Admiral Walk Residences Inc	1102, 1106 & 110 King Street	D14-092-2007	Senior Citizen Apartment	Planning Committee	Application not submitted
ii	Rock Bottom Holdings	Marker Crescent & Conacher Dr.	D14-053-2006	Townhouses/Condo Development	Planning Committee	Application not submitted
iii.	Peter Splinter	2435 Princess Street	D14-075-2006	Mixed Commercial/ Residential development	Planning Committee	Phase 1 & Phase 2 approved ,
iv	KCAP King's Crossing Inc.	1040 – 1162 Division Street 88 Dalton Ave.	D14-062-2006	38,740 sq. m. retail power centre	Planning Committee	Phase 1 & 2 approved , Phase 3 in process
v	2078508 Ontario Ltd.	805 Development Drive	D14-150-2009	To allow for the construction of dental & chiropractic office	Planning Committee	Site Plan Application has been received.
vi	Clermont Venture Group	652 Dalton Ave.	D11-263-2009	To allow for the construction of Tim Horton's	Planning Committee	Site Plan Application to construct restaurant with drive through
vii	Homestead Land Holdings Ltd.	72,74 & 76 Johnson St.	D11-266-2009	The Applicant proposes to new addition at the rear of the buildings and to add 5 additional parking spaces.	Planning Committee	Site Plan Application for Alteration and Renovation going to Planning Committee on October 15/09
viii	Conseil Des Ecoles Publique De L'est De L'Ontario	72 Gilmour Ave.	D11-271-2009	41 parking spaces for the elementary school with bus loading in front of school, increase of landscaping	Planning Committee	

12. APPROVED SITE PLAN ITEMS:

D11-265-2009 – St. Lawrence College, 100 Portsmouth Ave. – Wind Turbine Building

D11-255-2009 – LAJJC Inc., 3 Gore Street – Battery Park Block 'D'

D11-266-2009 – Homestead Land Holdings Ltd., 72, 74, & 76 Johnson St. – Alterations & Renovations

13. APPLICATIONS APPEALED TO ONTARIO MUNICIPAL BOARD:

D09-032-2007 & D14-106-2007 Lowe's Companies Canada, ULC, 1085 Gardiners Road – Mediated Settlement in progress.

D09-035-2008 & D14-111-2008 Jay Patry Enterprises Inc., 495-513 Frontenac Street – Completed Awaiting Decision.

14. ADJOURNMENT

15. ABEYANCE ITEMS

Date & Mtg No.	Description of Item	Who is To Respond	Deadline	Status
22-02-07	Staff will report further on issues relating to Site Plan Control under Section 41 regarding exterior design and accessibility guidelines	Commissioner Sustainability & Growth	Q2	
07-06-07	Report on how to identify woodlots within Urban Boundary including treed areas less than 1 hectare, whether publicly or privately owned and suggestions on how to protect existing woodlots from clear cutting prior to site plan approval so that this information can be used during Official Plan review	Commissioner Sustainability & Growth	Q4	