



CITY OF KINGSTON
PLANNING COMMITTEE
MEETING NO. 05-2010
AGENDA

Thursday, March 4th, 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 & DRAFT PLAN OF SUBDIVISION

The purpose of this report is to provide general information regarding an application for Zoning By-Law Amendment and Draft Plan of Subdivision Applications for the property municipally known as 2939 Creekford Road.

The subject property is owned by Braebury Homes Corp. The subject property is primarily vacant land, except for a single detached dwelling located on the north portion of the subject property and accessed by Creekford Road. The applicant is requesting permission to construct a residential development consisting of 3 semi-detached lots, 19 residential townhouse blocks and 3 future development blocks. The proposed development will be accessed from the abutting lands to the west (Woodhaven (Tamarack) Subdivision).

File No. D14-168-2009 & D12-052-2009

**2939 Creekford Road
Braebury Homes Corp ; Applicant
Macaulay Shiomi Howson Ltd. ; Agent**

**(See Report PC-10-018)
(Pages 1-38)**

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

The purpose of this report is to provide general information regarding an application for Zoning By-Law Amendment which has been submitted by 1126497 Ontario Inc. with respect to 346 University Avenue, located on the west side of University Avenue, south of Princess Street. The subject property has a lot area of 808 square metres and is occupied with a multiple family building containing up to 12 dwelling units. The property received Site Plan Control approval on February 24, 2005 for an eight unit residential building. The applicant is requesting to amend the Zoning By-Law to increase the permitted number of dwelling units, increase the density, decrease the parking requirement, reduce the required number of bicycle parking spaces, and, reduce the required amenity area.

File No. D14-172-2009

**346 University Avenue
1126497 Ontario Inc.; Applicant**

**(See Report PC-10-027)
(Pages 39-47)**

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

The purpose of this report is to provide general information regarding an application for Zoning By-Law Amendment and Draft Plan of Subdivision which has been submitted by the City of Kingston's Real Estate & Construction Services Department with respect to property located east of Gardiners Road, south of Highway 401. The subject property is over 50 hectares in area and is currently undeveloped. The Zoning By-Law Amendment requests to rezone the lands to Business Park, Industrial Commercial, General Industrial and Environmental Protection. The Draft Plan of Subdivision application proposes eight industrial blocks, two environmental protection blocks, an archaeological block, walkways and open space areas. Four new roadways are proposed which include the extension of Centennial Drive and Fortune Crescent.

File No. D14-173-2009 & D12-054-2009

**CATARAQUI ESTATES BUSINESS PARK
East of Gardiners Road, South of Highway 401
City of Kingston's Real Estate & Construction Services Department; Applicant**

**(See Report PC-10-028)
(Pages 48-56)**

Regular Planning Committee Meeting No. 05-2010

1. MEETING TO ORDER
2. DISCLOSURE OF PECUNIARY INTEREST
3. CONFIRMATION OF AGENDA
4. CONFIRMATION OF MINUTES
5. DELEGATIONS / BRIEFING
6. BUSINESS
- a) COMPREHENSIVE REPORT
ZONING BY-LAW AMENDMENT
FILE NO. D14-166-2009
ADDRESS: 271 MAIN STREET
APPLICANT – DAVID GAY & MELIA HOLDER, AGENT – BARRY GORDON

(Report No. PC-10-029)
(Schedule Pages 57-73)

Recommendation:

THAT it be recommended to Council that the Application for Zoning By-Law Amendment (Our File No. D14-166-2009) submitted by Barry Gordon, on behalf of David Gay and Melia Holder, for the property municipally known as 271 Main Street, **BE APPROVED**.

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

Map 3 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site to change from Holding Special Residential 'R1-47-H' Zone to Residential 'R1' Zone, as shown on Schedule "A" attached to and forming part of By-Law No. 2010-____.

- 1.2. By Modifying Section 9 (uu), R1-47-H thereto as follows:

"Notwithstanding any provisions of Sections 9(1)(a) and 9(2) hereof to the contrary, the lands zoned 'R1-47' on Schedule "A" hereto shall be used for no purpose other than a single family dwelling house, in accordance with the following provisions:

- (a) Lot Area (minimum): 630 square metres
- (b) Lot Frontage (minimum): 7 metres
- (c) Front Yard Depth (minimum): 30.5 metres

- (d) Exterior Side Yard Width (minimum): 1.2 metres
- (e) Interior Side Yard Width (minima):
 - (i) In the case of only 1 such yard: 3.9 metres
 - (ii) In the case of more than 1 such yard: 1.2 metres on one side and 3.9 metres on any other side provided that on that side where there is an attached private garage with no living space above, below, in front or behind, the minimum interior side yard width may be reduced from 3.9 metres to 1.2 metres.
- (f) Rear Yard Depth (minimum): 10.0 metres
- (g) Water Setback (minimum): 15.0 metres
- (h) Setback (minimum): 6.0 metres plus the minimum required front yard depth.
 - (i) Yards for Accessory Buildings and Structures/Location of accessory buildings and Structures:
 - (i) No accessory building or structure shall be located
 - a) within 30 metres of the high water mark
 - b) within 1.2 metres of any interior side lot line
 - c) within 1.2 metres of any exterior side lot line
 - d) within in any front yard
 - (ii) No detached accessory building or structure shall be located closer than 1.2 metres to a main building.
- (j) The provisions of Section 5(1)(c)(iv) shall not apply.
- (k) Lot Coverage:
 - (i) exclusive of accessory buildings and structures, with or without dwelling space below or above, steps, unenclosed porches, verandahs, balconies, decks, and patios (maximum): 400 square metres
 - (ii) accessory buildings and structures, (maximum): 28 square metres
 - (iii) steps; unenclosed porches; verandahs; balconies; and decks and patios more than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum) total: 45 square metres;
 - in rear yard (maximum): 22.5 square metres;
 - in front yard (maximum): 22.5 square metres;
 - (iv) decks and patios less than 0.6 metres above the lowest ground level adjacent to the deck or patio (maximum): 45 square metres
- (l) Height of Buildings (maximum): 95 metres (Canadian Geodetic Datum, this is the absolute elevation not the height above grade)

For the purposes of this zone "Height" shall mean highest point of any structure exclusive of any accessory roof construction such as a chimney.
- (m) Dwelling Houses per Lot (maximum): 1 only

- (n) Location of Driveway:
No part of any driveway shall be located within 3.5 metres of any zone other than a 'R1-47' zone. Nothing shall prevent the location of a driveway within an interior side yard that abuts a 'R1-47' zone. Abutting driveways are permitted.
- (o) Access/Width of Driveway (maximum): 3.0 metres
- (p) Number of Driveways: 1 only
- (q) Number of Parking Spaces Per Dwelling Unit (minimum): 2
- (r) Width of Parking Space (minimum): 3.0 metres
- (s) Length of Parking Space (minimum): 6.0 metres
- (t) Area of Parking Space (minimum): 18.0 square metres
- (u) Location of Parking Spaces:
All yards, except a required rear yard or required front yard, provided that no part of any parking area is located closer than 1.2 metres to an interior side lot line. Nothing shall prevent the establishment of a required parking space directly behind or directly in front of another required parking space.
- (v) Flag poles, television antennae, satellite dishes, and similar radio and microwave antennae shall not be permitted within this Zone.
- (w) Yard Encroachments:
The provisions of Section 5(23)(b) shall not apply, except that steps may project into any required rear yard a maximum distance of 1.5 metres and into any other required yard a maximum distance of 0.5 metres. The provisions of Section 5(23)(c) shall not apply, except that a deck or patio with no roof structure not more than 0.6 metres above the lowest ground level adjacent to the deck or patio and covering not more than 18 square metres of a required rear yard may project into a required rear yard not more than 5.5 metres.
- (x) Minimum Elevation:
No dwelling house shall be erected with a floor elevation below 76.6 metres (Canadian Geodetic Datum).

b) **Comprehensive Report**
Zoning By-Law Amendment, N. and T. Dearsley
1368 Highway No. 15
File No. D14-133-2008

(Report No. PC-10-030)
(Schedule Pages 74-82)

Recommendation:

WHEREAS an application for Zoning By-Law Amendment has been submitted by N. and T. Dearsley, for the lands known municipally as 1368 Highway No. 15 to amend the zoning on 0.38 hectares (0.94 acres) of land from Residential Type 1 to Residential Type 1 Special Requirement (R1-49) Zone under Zoning By-Law No. 32-74 to allow a Bed and Breakfast operation of 4 bedrooms; and,

WHEREAS a Statutory Public Hearing was held on January 7th, 2010;

THAT it be recommended to Council that the Application for Zoning By-Law Amendment (Our File No. D14-133-2008) submitted by N. and T. Dearsley for 0.39 hectares (0.94 acres) of property located in Lot 5 of Plan 628 formerly Township of Pittsburgh, now the City of Kingston, municipally known as 1368 Highway No. 15, **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 Corporation of the City of Kingston, entitled "Zoning By-Law Township of Pittsburgh", as amended, is hereby further amended as follows:
 - 1.1. Map 4 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from R1 to R1-49, as shown on Schedule "A" attached to and forming part of By-Law No. 2010-____.
 - 1.2. By **Adding** a new subsection 9(3)(vv) thereto as follows:

"(vv) **1368 Highway No. 15 (R1-49 Zone)**

Notwithstanding the provisions of Section 9(2)(b) hereof to the contrary, the lands zoned "R1-49" on Schedule 'A' hereto, may also be used for a "BED and BREAKFAST" in accordance with the following provisions:

- (i) For the purpose of this section a "BED and BREAKFAST" shall be defined as a dwelling occupied by the owner and in which a maximum of four (4) rooms are provided with or without meals, for hire or pay, for the travelling or vacationing public.
- (ii) Five (5) parking spaces shall be provided.
- (iii) A sign identifying the "BED and BREAKFAST" is permitted on the property; the sign shall be less than 5 square metres in area."

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

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, April 1st, 2010.

10. APPLICATIONS RECEIVED / IN PROCESS

	Application Type	Applicant	Civic Address	File No(s).	Proposal	Status
i.	OPA/ZBA	Tim Donut Limited	667 Cataraqi 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 permit the development of 91 townhouses	Public Meeting to be held Feb 18/10.
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 to be held Feb 18/10.
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	ZBA	Nigel & Tessa Dearsley	1368 Highway 15	D14-133-2008	to allow Bed & Breakfast	Public Meeting held on Jan 7/10 Comprehensive Report on Mar 4/10
vii	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
viii	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
ix	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	Dormant files
x	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

xi	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. In Process
xii	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. In Process
xiii	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. Last day for Appeals Jan 13/10
xiv	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
xv	ZBA	Clermont Venture Group	652 Dalton Ave.	D14-162-2009	To allow office and restaurant as permitted uses.	Approved by Council on Jan 19/10 and the last day for Appeals is Feb 18/10
xvi	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
xvii	OPA/ZBA	James & Lois Roettger	1371 Spooner Road	D09-049-2009 D14-163-2009		Public Meeting held on Dec 03-09
xviii	ZBA	Dave Gay & Melia Holder	271 Main St., Barriefield	D14-166-2009		Public Meeting held on Dec 03-09 Comprehensive Report on March 4/10
xix	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
xx	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.	Council Approved on Jan 19/10 and last day for Appeals is Feb 18/10

xxi	ZBA	John Howard Society	771 Montreal Street	D14-165-2009		Public Meeting held Jan 21/10. Comprehensive Meeting held on Feb 18/10
xxii	ZBA	Ann Harrison	3029 Creekford Rd.	D14-169-2009		Public Meeting held on Jan 7/10
xxiii	ZBA	Geertsma Homes Ltd.	1191-1235 Crossfield Ave. & 686-700 Augusta Dr.	D14-171-2009	To amend specific zone provisions in order to permit the development of single & semi detached dwellings	Public Meeting to held on Feb 18/10
xxiv	ZBA	J.A. Pye (Ontario) Ltd.	Lots 132, 155 & 196 to 211 & Blocks 213,214,215, 217,219 & 221, Plan 13M-58	D14-112-2008	To increase the allowable garage & driveway widths for lots for single detached dwelling & townhouses to decrease the lot frontage.	Public Meeting to be held Feb 18/10
xxv	ZBA	1126497 Ontario Inc.	346 University Ave.	D14-172-2009		Public Meeting to be held Mar 4/10
xxvi	ZBA/Draft Plan of Sub	City of Kingston	Cataraqui Estates Business Park	D14-173-2009 D12-054-2009		Public Meeting to be held March 4/10
xxvii	ZBA/Draft Plan of Sub	Braebury Homes	2939 Creekford Rd.	D14-168-2009 D12-052-2009		Public Meeting to be held March 4/10
xxviii	ZBA	R. Neil & Sunni Rideout	1305 Princess St.	D14-174-2010		

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	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
vi	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	
vii	Barr Homes	1 Potter Street	D12-053-2009	Residential Subdivision	Lisa Osanic	Application Being Processed

12. APPROVED SITE PLAN ITEMS:

13. APPLICATIONS APPEALED TO ONTARIO MUNICIPAL BOARD:

D09-032-2007 & D14-106-2007 Lowe's Companies Canada, ULC, 1085 Gardiners Road – Completed Mediated OMB Settlement to allow Site Plan Control to be finalized.

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	#84 on priority matrix
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	#33 on Priority Matrix