



CITY OF KINGSTON
PLANNING COMMITTEE
MEETING NO. 06-2010
AGENDA

Thursday, April 1st, 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**

The purpose of this report is to provide general information regarding an application for a Zoning By-Law Amendment for the property municipally known as 1305 Princess Street. The proposal will change the existing One-Family Dwelling 'A1' zone to a site-specific Arterial Commercial 'C2.391' zone within Zoning By-Law No. 8499, as amended. The amendment is required to permit an "office" as a use, to reduce the front yard setback from 15.00 metres to 9.61 metres and to reduce the side yard setback from 9.0 metres to 7.43 metres. The property will be subject to Site Plan Control.

File No. D14-174-2010

**1305 Princess Street
R. Neil and Sunni Rideout - Applicant
Andy Thompson and Barry Cave - Agent**

**(See Report PC-10-032)
(Schedule Pages 1-16)**

Regular Planning Committee Meeting No. 06-2010

1. MEETING TO ORDER
2. DISCLOSURE OF PECUNIARY INTEREST
3. CONFIRMATION OF AGENDA
4. CONFIRMATION OF MINUTES
Meeting No. 03-2010 held Thursday, January 21st, 2010
Meeting No. 04-2010 held Thursday, February 18th, 2010
Meeting No. 05-2010 held Thursday, March 4th, 2010

5. DELEGATIONS / BRIEFING

6. BUSINESS

a) PUBLIC HEARING and COMPREHENSIVE REPORT

Zoning By-Law Amendment

File No. D14-174-2010

Address: 1305 Princess Street

Applicant – R. Neil & Sunni Rideout; Agent – Andy Thompson & Barry Cave

(Report No. PC-10-032)
(Schedule Pages 1-16)

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. D14-174-2010) submitted by R. Neil and Sunni Rideout for the property municipally known as 1305 Princess Street, **BE APPROVED**.

AND FURTHER 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. By-Law No. 8499 of The Corporation of the City of Kingston, entitled "Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston", as amended, is hereby further amended as follows:

1.1. That Zone Map No. 12 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol of the subject site from 'A1' to 'C2.391' as shown on Schedule 'A' attached hereto and forming part of By-Law No. 2010-____.

1.2. That the By-Law be amended by the addition of the following section to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS:

"391. Notwithstanding the provisions of Section 22 hereof to the contrary, on the approximately 0.078 hectare parcel of land known municipally as 1305 Princess Street, and zoned 'C2.391' on Zoning Map No. 12 attached to and forming part of amending By-Law No. 2010- , the following provisions shall also apply:

- a) Minimum Front Yard: 9.61 metres
- b) Minimum Side Yard when abutting an open space zone, residential zone, or a street: 7.43 metres.

AND FURTHER THAT the Amending By-Law be presented to City Council for all three readings.

- b) **COMPREHENSIVE REPORT**
Official Plan Amendment and Zoning By-Law Amendment
Files No. D09-049-2009 and D14-163-2009
Address: 1371 Spooner Road
Applicant – James and Lois Roettger
Agent – FoTenn Consultants Inc.

(Report No. PC-10-034)
(Schedule Pages 17-64)

Recommendation:

THAT it be recommended to Council that the application for Official Plan Amendment and Zoning By-Law Amendment (Our Files No. D09-049-2009 and D14-163-2009) submitted by James and Lois Roettger for the property located at 1371 Spooner Road, **BE APPROVED**:

AND FURTHER THAT the City of Kingston Official Plan be amended as follows:

1. The Official Plan for the City of Kingston is hereby amended by the following map change which shall constitute Amendment No. 2 to the Official Plan for the City of Kingston.
 - (a) **AMEND** Schedule '3-D, Site Specific Policies' of the Official Plan for the City of Kingston, so as to designate 1371 Spooner Road, as shown on Schedule 'A' to By-Law No. 2010-____, as 'Rural Site Specific Policy No. 41'.
2. That the Official Plan for the City of Kingston is hereby amended by adding the following new Site Specific Policy as 3.18.41:

"1371 Spooner Road **3.18.41. Rural Site Specific Policy Area**
SSP No. 41

The lands located at 1371 Spooner Road are limited to a Single Detached Dwelling house use in accordance with the following policies:

- a) That the introduction of non-native plant species be discouraged due to the property's proximity to a provincially significant wetland, Collins Lake;
- b) That the construction of the single detached dwelling be located closer to the northwest portion of the subject property to minimize any potential impact on the adjacent Environmental Protection Area designation;
- c) That existing vegetation be preserved within the Site Specific Policy area to buffer and compliment the vegetation on the abutting Environmental Protection Area designation; and
- d) Access is to be provided by means of an unopened road allowance and the owner shall enter into an access agreement with the municipality.

AND FURTHER 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. By-Law No. 76-26 of The Corporation of the City of Kingston, entitled "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston", 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 'EPA' to 'A2-9', as shown on Schedule "A" attached to and forming part of By-Law No. 2010-____.

1.2. By **Adding** a new Section 10, subsection 3(i) thereto as follows:

"(i) A2-9, 1371 Spooner Road

Notwithstanding the provisions of Section 5 and 10 hereof to the contrary, the lands designated 'A2-9' on Schedule 'A' hereto, the following regulations shall apply:

- a) Permitted Use:
A Single Family Dwelling House
- b) Minimum Lot Area:
928 square metres
- c) Front Yard Depth:
6.0 metres
- d) West Interior Side Setback Minimum:
1.2 metres
- e) All Other Yard Setbacks Minimum:
The main building or structure shall not be located less than 10.0 metres from an 'EPA' Zone.
- f) The Minimum Setback for a septic system from an 'EPA' zone shall be 0.0 metres.
- g) The minimum setback for the parking of any vehicle, recreational vehicle or trailer is 10.0 metres from an 'EPA' Zone

AND FURTHER THAT the Amending By-Law be presented to City Council for all three readings.

- c) **COMPREHENSIVE REPORT**
Zoning By-Law Amendment
File No. D14-171-2009
Address: Lots 167 to 195, Registered Plan 13M-58
(1191 to 1235 Crossfield Avenue and 686 to 700 Augusta Drive)
Applicant – Geertsma Homes Ltd.

(Report No. PC-10-035)
(Schedule Pages 65-79)

Recommendation:

THAT it be recommended to Council that the application for Zoning By-Law Amendment (Our File No. D14-171-2009) submitted by Geertsma Homes Ltd., for the properties located at Lots 167 to 195, Registered Plan 13M-58 (1191 to 1235 Crossfield Avenue and 686 to 700 Augusta Drive), **BE APPROVED**.

- and further -

THAT the Cataraqui North Zoning By-Law No. 97-102, as amended, be further amended as follows:

1. THAT the Zone Map of Zoning By-Law No. 97-102, as amended, is hereby further amended by changing the zone symbol of the subject site from 'MDR*1' to 'MDR*4' as shown on Schedule 'A' attached hereto and forming part of By-Law No. 2010-_____.
2. THAT the following be **added** as Section 7.11 of the By-Law:

"7.11 MDR*4 (Geertsma Homes Ltd.), Lots 167 to 195, Registered Plan 13M-58

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MDR*4' shall be used and developed in accordance with the following provisions:

- (i) In addition to the uses permitted in the 'MDR' Zone, the permitted uses shall include single detached dwellings on lots accessed by a rear lane only.
- (ii) The minimum lot frontage for a single detached dwelling on a lot accessed by a rear lane shall be 8.5 metres.
- (iii) The minimum front yard depth for a single detached dwelling on a lot accessed by a rear lane shall be 3 metres.
- (iv) At least 70% of the front wall of the first storey of the main building shall be located within 1.5 metres of, or on, the building line. However for Lots 181, 182, 183, 187, 188 and 189 only, at least 70% of the front wall of the first storey of the main building shall be located within 4.0 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.
- (v) Single family dwellings located on a corner lot accessed by a rear lane shall have at least 25% of the front wall of the first storey of the main building located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.
- (vi) The minimum required lot depth for a single detached dwelling on a lot accessed by a rear lane shall be 30 metres
- (vii) The minimum required interior side yard for a single detached dwelling located on a lot accessed by a rear lane shall be 1.2 metres on one side and 0.6 metres on the other.
- (viii) The minimum required exterior side yard setback for a single detached dwelling located on a lot accessed by a rear lane shall be 2.4 metres.
- (ix) The minimum required rear yard setback shall be 14.5 metres. However, at the transition between the enclosed walkway and the rear of the main dwelling, the dwelling may project a maximum of 1.2 metres from the rear wall of the main dwelling.
- (x) The maximum building height for a single detached dwelling located on a lot accessed by a rear lane shall be 11 metres.
- (xi) Detached garages shall be set back from the dwellings a minimum of 7.5 metres.
- (xii) The minimum required number of parking spaces per lot shall be two (2) to be enclosed in a garage.
- (xiii) No air conditioner may be located within 1.2 metres of a rear lot line or required front yard. An air conditioner is permitted within the 1.2 metres of a side yard in a location between the midpoint of the dwelling and the rear of the dwelling only.
- (xiv) Enclosed walkways shall be not wider than 2.75 metres with the width being measured from the exterior faces of the exterior walls. However, at the transition between the enclosed walkway and the rear of the main dwelling a width of up to 3.95 metres is permitted for a maximum of 1.2 metres from the rear wall of the main dwelling.

3. That Section 5.3.1.8(2)b) of the By-Law shall be **deleted** and **replaced** with the following:
- b) If the enclosed walkway is located on a corner lot, no portion of the wall facing the exterior side lot line shall be located closer than 4.5 metres to the exterior side lot line.

AND FURTHER THAT the Amending By-Law be presented to City Council for all three readings.

d) **Format of Public Notices for Planning Applications**

(Report No. PC-10-031)
 (Schedule Pages 80-94)

Recommendation:

THAT it be recommended to Council the changes to the format of public notices for planning applications outlined in Report PC-10-31.

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 15th, 2010.

10. **APPLICATIONS RECEIVED / IN PROCESS**

	Application Type	Applicant	Civic Address	File No(s).	Proposal	Status
i.	OPA/ZBA	Tim Donut Limited	667 Cataraqui 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 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 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	Planning Committee recommended approval on Mar 4/10. To Council March 23, 2010.
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/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
xi	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
xii	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 recessed on October 15/09
xiii	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
xiv	OPA/ZBA	James & Lois Roettger	1371 Spooner Road	D09-049-2009 D14-163-2009		Public Meeting held on Dec 03-09; Comprehensive Report on April 1/10
xv	ZBA	Dave Gay & Melia Holder	271 Main St., Barriefield	D14-166-2009		Planning Committee recommended approval on Mar 4/10. To Council March 23, 2010.
xvi	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

xvii	ZBA	John Howard Society	771 Montreal Street	D14-165-2009		Public Meeting held Jan 21/10. Comprehensive Meeting held on Feb 18/10 Appeal Period ends March 29/10
xviii	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 Comprehensive Report on April 1/10
xix	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 held Feb 18/10
xx	ZBA	1126497 Ontario Inc.	346 University Ave.	D14-172-2009		Public Meeting held Mar 4/10
xxi	ZBA/Draft Plan of Sub	City of Kingston	Cataraqui Estates Business Park	D14-173-2009 D12-054-2009		Public Meeting held March 4/10
xxii	ZBA/Draft Plan of Sub	Braebury Homes	2939 Creekford Rd.	D14-168-2009 D12-052-2009		Public Meeting held March 4/10
xxiii	ZBA	R. Neil & Sunni Rideout	1305 Princess St.	D14-174-2010	To permit an "office" as a use	Public Meeting and Comprehensive Report on April 1/10
xxiv	ZBA	1003758 Ontario Ltd.	234-236 Albert Street	D14-176-2010	To create new lot fronting Couper Street for new single family dwelling	Public Meeting scheduled for April 15/10

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	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:

D11-245-2009M – Dowling Metal & Fabrication, 30 Binnington Court – Rear Addition

D11-277-2009M – In the End Inc. (Law Office), 1 Hyperion Court – Addition to Building

D11-279-2010M – Canadian Tire Corporation, 59 Bath Road – New Signage

13. APPLICATIONS APPEALED TO ONTARIO MUNICIPAL BOARD:

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