



**CITY OF KINGSTON
PLANNING COMMITTEE
MEETING NO. 10-2010
AGENDA
Thursday, June 3rd, 2010
6:30 p.m. Council Chambers, City Hall**

Please provide regrets to James Thompson, Committee Clerk at 613-546-4291, Ext. 1268; jcthompson@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 public meeting is to provide general information regarding an application for Zoning By-Law Amendment which has been submitted by Gerry Blacker with respect to the property located on the north side of Union Street between Albert Street and Collingwood Street. The property is 0.17 hectares in area and contains a 2½ storey dwelling with three units.

The applicant is proposing to construct a single detached dwelling with a detached garage at the rear of the subject property. The property is proposed to be severed to create a new lot on the back portion. Amendments to the Zoning By-Law are requested to permit the existing triplex and proposed single detached dwelling, reduce the minimum lot area and reduce the parking requirements for the existing triplex.

File No. D14-181-2010

**171 Union Street
Gerry Blacker – Applicant**

**(See Report PC-10-048)
(Schedule Pages 1-15)**

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

The purpose of this public meeting is to provide general information regarding an application for Zoning By-Law Amendment which has been submitted by Peter Splinter Family Holdings with respect to the property located on the southeast corner of Princess Street and Centennial Drive. The subject lands are approximately 5.5 hectares in area and contain several buildings used for commercial purposes. A 3 and 4 storey building on the northeast corner of the site with ground floor commercial units and 56 upper floor residential units is currently under construction.

The applicant is proposing to demolish the existing building on the south portion of the site and construct four additional 4 storey mixed use buildings consisting of 4,507 square metres of ground floor commercial and up to 330 residential units. Amendments to the Zoning By-Law are requested to increase the maximum gross floor area, building height and number of residential units and to decrease the child's play area and height of the barrier free parking space in the underground garage.

File No. D14-179-2010

**2395 to 2437 Princess Street
Peter Splinter Family Holdings - Applicant**

**(See Report PC-10-049)
(Schedule Pages 16-100)**

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

The purpose of this public meeting is to provide general information regarding an application for Zoning By-Law Amendment, which has been submitted by IBI Group on behalf of 473796 Ontario Ltd. regarding the properties located at 4153, 4157 Mangan Boulevard and 5216 Dundon Drive. The properties at 4153 Mangan Boulevard and 4157 Mangan Boulevard have a lot area of 0.51 and 0.64 hectare respectively while 5216 Dundon Drive has a lot area of 0.36 hectare. The applicant is proposing to rezone the properties to permit the development of single-family dwellings. The proposed amendments are required to change the zoning of the three properties to permit a residential use.

File No. D14-183-2010

**4153, 4157 Mangan Boulevard; 5216 Dundon Drive
473796 Ontario Ltd. - Applicant**

**(See Report PC-10-050)
(Schedule Pages 101-108)**

Regular Planning Committee Meeting No. 10-2010

1. MEETING TO ORDER
2. DISCLOSURE OF PECUNIARY INTEREST
3. CONFIRMATION OF AGENDA
4. CONFIRMATION OF MINUTES
 - a) Meeting No. 07-2010 held Thursday, April 15th, 2010
5. DELEGATIONS / BRIEFING
6. BUSINESS
 - a) **Comprehensive Report**
Application for Zoning By-Law Amendment
File No. D14-176-2010
1003758 Ontario Ltd.
234 and 236 Albert Street

(Report No. PC-10-052)
(Schedule Pages 109-125)

Recommendation:

THAT it be recommended to Council that the application for Zoning By-Law Amendment (Our File No. D14-176-2010) submitted by 1003758 Ontario Ltd., for the property located at 234 and 236 Albert Street, **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 Zoning Map No. 30 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol of 234 Albert Street from 'A' to 'A.392', 236 Albert Street from 'A' to 'A.393' and 1 Couper street from 'A' to 'A.394', 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 sections to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS:

"392. Notwithstanding the provisions of Section 6 hereof to the contrary, on the property known municipally as 234 Albert Street and zoned 'A.392' on Zoning Map No. 30 attached to and forming part of amending By-Law No. 2010- , the following provisions shall also apply:

234 Albert Street

- a) Minimum Lot Area: 249 square metres
- b) Minimum Exterior Side Yard Setback: 0.8 metres
- c) Minimum Aggregate Side Yard: 1.5 metres

393. Notwithstanding the provisions of Section 6 hereof to the contrary, on the property known municipally as 236 Albert Street and zoned 'A.393' on Zoning Map No. 30 attached to and forming part of amending By-Law No. 2010- , the following provisions shall also apply:

236 Albert Street

a) Minimum Lot Area: 310 square metres

394. Notwithstanding the provisions of Section 6 hereof to the contrary, on the property known municipally as 1 Couper Street and zoned 'A.394' on Zoning Map No. 30 attached to and forming part of amending By-Law No. 2010- , the following provisions shall also apply:

1 Couper Street

a) Minimum Lot Area: 236 square metres."

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

b) **COMPREHENSIVE REPORT**
Application for Zoning By-Law Amendment and Draft Plan of Subdivision
City of Kingston
Catarauqui Estates Business Park
East of Gardiners Road, south of Highway 401
File No. D14-173-2009 and D12-054-2009

(Report No. PC-10-054)
(Schedule Pages 126-177)

Recommendation:

THAT it be recommended to Council that the application for Zoning By-Law Amendment (Our File No. D14-173-2009) submitted by the City of Kingston's Real Estate & Construction Services Department, for the property located east of Gardiners Road, south of Highway 401, **BE APPROVED**.

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

1. That Zoning Schedule "A", Map 3 of Zoning By-Law No. 76-26, as amended, is hereby further amended by changing the zone symbol of the subject site from 'D', 'M5', 'M6', and 'M6-14' to 'EPA', 'OS', 'OS-13', 'BP-2', 'M1-12' as shown on Schedule "A" attached hereto and forming part of amending By-Law No. 2010-___.
2. That the following be **added** as Section 4 (31C) of the By-Law:
"COMPLEMENTARY USE means a separate and independent use which is different from the permitted class of uses but is in keeping with the context of the overall mix of uses and, in a mutually beneficial fashion with the primary permitted uses, provides support and services to meet the needs of the primary permitted uses without interfering with the intended function of its surrounding area. A complementary use may only be permitted once a primary permitted use is established. The maximum gross floor area of all complementary uses cannot exceed 25% of the total gross floor area of all primary permitted uses."
3. That the following be **added** as Section 8 (3)(m) of the By-Law:
"(m) Notwithstanding any provisions of Section 8 (1) hereof to the contrary, for the lands zoned 'OS-13' on Schedule "A" hereto, no building or structure shall be erected or altered on the property."

4. That the following be **added** as Section 24 (3)(l) of the By-Law:
- “(l) Notwithstanding any provisions of Section 24 (1) hereof to the contrary, the lands zoned ‘M1-12’ on Schedule “A” hereto, may be used in accordance with the provisions of Section 24 for the ‘M1’ zone except that:
- (i) ONLY PERMITTED USES:
Manufacturing, assembling, fabricating, and processing operations;
Construction and transportation activities and facility;
Storage, warehousing and wholesale trade activities;
Communications and utilities facility;
Institutional uses with General Industrial characteristics, such as a trade school;
and,
Public use in accordance with Section 5(18) of By-Law No. 76-26.
 - (ii) ONLY COMPLEMENTARY PERMITTED USES:
Office and business services such as printing and equipment repair intended to serve the General Industrial area;
Restaurant;
Financial institution;
Personal services and convenience commercial;
Automotive, heavy equipment or truck repair facility;
Public and private parks and recreation facilities; and,
Parking lots and structure.
 - (iii) MINIMUM FRONT YARD DEPTH : 10 metres
 - (iv) MINIMUM EXTERIOR SIDE YARD WIDTH : 10 metres
 - (v) MINIMUM INTERIOR SIDE YARD WIDTH: 3 metres
 - (vi) MINIMUM REAR YARD DEPTH : 7.6 metres
 - (vii) MAXIMUM BUILDING HEIGHT: 20 metres”
5. That the following be **added** as Section 30A (3)(b) of the By-Law:
- “(b) Notwithstanding any provisions of Section 30A (1) hereof to the contrary, the lands zoned ‘BP-2’ on Schedule “A” hereto, may be used in accordance with the provisions of Section 30A for the ‘BP’ zone except that:
- (i) ONLY PERMITTED USES:
Corporate administrative office;
Research and development facility carried out within enclosed buildings;
Data processing and related services, including call centre;
Administrative, professional and technical services supporting a permitted use; and,
Public use in accordance with Section 5(18) of By-Law No. 76-26.
 - (ii) ONLY COMPLEMENTARY PERMITTED USES:
Office and business services such as printing and equipment repair intended to serve the Business Park Industrial area;
Restaurant;
Financial institution;
Personal services and convenience commercial;
Public and private parks and recreation facilities; and,
Parking lots and structure.
 - (iii) MINIMUM FRONT YARD DEPTH : 10 metres

- (iv) MINIMUM EXTERIOR SIDE YARD WIDTH : 10 metres
- (v) MAXIMUM LOT COVERAGE: 60%
- (vi) MAXIMUM BUILDING HEIGHT: 20 metres"

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

AND THAT it be recommended to Council that the application for Draft Plan of Subdivision (Our File No. D12-054-2009) submitted by the City of Kingston's Real Estate & Construction Services Department, for the property located east of Gardiners Road, south of Highway 401, **BE APPROVED**, subject to the following conditions:

1. Approved Draft Plan

That this approval applies to the Draft Plan of Subdivision, prepared by Hopkins, Cormier & Chitty Surveying, dated May 5, 2010 which shows the following:

- 8 industrial blocks (Blocks 1 - 8);
- 2 environmental protection blocks (Block 9 and 10);
- 7 open space blocks (Block 11 – 16 and Block 20);
- 2 blocks for the Trans-Northern Pipeline easement (Blocks 17 and 18);
- 1 block for the Hydro easement (Block 19);
- 4 new roadways (Streets 'A' to 'D').

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 road allowances within the Plan shall be designed in accordance with the City's engineering standards and shall be dedicated to the City free of all charges and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
- (c) That prior to Final Plan Approval, the Owner shall submit proposed street names for approval by the Planning and Development Department and the proposed street names shall be included on the first submission of the engineering drawings. That the Streets within this Plan shall be named to the satisfaction of the City, in consultation with the Planning and Development Department, in accordance with the City's Civic Addressing and Road Naming By-Law.
- (d) That prior to Final Plan Approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed blocks by the City's Planning and Development Department, in accordance with the City's Civic Addressing and Road Naming By-Law. The Owner shall be advised that the civic addresses are tentative until such time that the final plan is registered and the final lot layout has been confirmed.
- (e) For blocks with more than one road frontage, the blocks will be addressed on the road frontage on which primary vehicular access is situated. Through Site Plan Control, the Owner shall confirm with the Planning and Development Department the appropriate road frontage where primary vehicular access is to be provided and shall confirm the approved civic address in order to comply with the City's Civic Addressing and Road Naming By-Law and emergency response requirements.
- (f) That the Owner shall agree that the location and design of any construction access shall be approved by the City and/or the appropriate authority.

3. **Reserves, Easements and Conveyances**

- (a) 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 City free of all charges and encumbrances.
- (b) That prior to Final Plan Approval, the daylighting triangles shall be conveyed to the City free of all charges and encumbrances.
- (c) 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. **Subdivision Agreement (or other applicable Agreement)**

- (a) That the Owner shall enter into the City's standard Subdivision Agreement, or other applicable Agreement, which shall list all approved plans and municipal conditions as required by the City for the development of this Plan.
- (b) The Subdivision Agreement, or other applicable Agreement, between the Owner and the City be registered against the lands to which it applies once the Plan of Subdivision has been registered.
- (c) That the Subdivision Agreement, or other applicable 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.

5. **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 City's Subdivision Design Guidelines and to the satisfaction of the City.
- (b) That prior to Final Plan Approval, the Owner shall submit a digital listing of the approved subdivision design drawings in the City's standard format.

6. **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 City.
- (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 from 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 City.

7. **Phasing**

- (a) That Final Plan Approval for registration may be issued in phases to the satisfaction of the City, subject to all applicable fees.
- (b) That the phasing of the development shall be reflected in the Subdivision Agreement, or other applicable Agreement, and on the approved subdivision design drawings to the satisfaction of the City, 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.

8. 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.

9. Site Plan Control

- (a) That a provision will be included in the Subdivision Agreement, or other applicable Agreement, indicating that any development within any portion of the Blocks will be subject to Site Plan Control.
- (b) That a provision will be included in the Subdivision Agreement, or other applicable Agreement, indicating that a tree inventory/preservation plan is to be completed for all site plan applications in conjunction with the Urban Design Guidelines, the Tree By-law and Site Plan Control Guidelines.
- (c) That the Owner is advised that all accesses will be approved through Site Plan Control applications.
- (d) The Subdivision Agreement, or other applicable Agreement, shall contain a provision that as a condition of development of the Blocks, applicants may, at the discretion of the City's Engineering Department, Traffic Division, require the submission of a Traffic Impact Study.

10. Urban Design Guidelines

- (a) That Prior to Final Plan Approval, the Owner shall prepare an Urban Design Guideline which sets out the design principles which will guide the development of the lands within the plan of subdivision. The Urban Design Guideline shall include, but not be limited to, site design, built form, building orientation, sustainable design, streetscape character, landscaping, preservation of the natural environment and implementation recommendations.

11. Archaeological Assessment

- (a) That no development will be permitted on Block 11 until such time as the owner has completed the required Archaeological Assessment, to the satisfaction of the City and the Ministry of Tourism & Culture and all required clearances have been received from the Ministry of Tourism & Culture.
- (b) That a final version of the Stage 2 Archaeological Assessment and the letter of receipt and acceptance by the Ministry of Tourism and Culture must be received before the Final Plan of Subdivision is approved and any ground disturbance/construction anywhere on the site.
- (c) That for the southern part of the site, the Planning & Development Department will need a letter of review and acceptance from the Ministry of Tourism and Culture that, clears the area of the subdivision for Phase 1 of the development.
- (d) 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.

- (e) 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.

12. 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 City and the Cataraqui Region Conservation Authority.
- (b) That prior to Final Plan Approval, the Owner shall submit a Stormwater Management Report and implementing plans for the development. The report shall be prepared by a qualified Professional Engineer, to the satisfaction of the City and Cataraqui Region Conservation Authority. The report must evaluate the recommendations contained in the Weslake Report.
- (c) The recommendations of the Stormwater Management Report shall be incorporated into the Subdivision Agreement, or other applicable Agreement, and the Subdivision Agreement, or other applicable Agreement, shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (d) Prior to Final Plan Approval and prior to any works commencing on the site, the Owner shall submit for approval by the City and the Cataraqui Region Conservation Authority, 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) stormwater 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; and
 - vi) stormwater 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.

13. Environmental Impact Study

- (a) That prior to Final Plan Approval, the Owner shall agree to incorporate the recommendations of the Environmental Impact Assessment prepared by Daniel Brunton Consulting Services, dated May, 2010 for the subject property into the approved plans and Subdivision Agreement, or other applicable Agreement,.
- (b) The Subdivision Agreement, or other applicable Agreement, shall contain provisions whereby the Owner agrees to implement the recommendations of the Environmental Impact Assessment to the satisfaction of the City, including but not limited to the following:
 - (i) Landscape design required for development of properties within the Cataraqui Estates Business Park should reflect the natural vegetation of the area and should emphasize retention of indigenous habitat over new plantings. Landscape design in Blocks 6 and 7 should emphasize retention of the Red Juniper grove habitat utilized by the Juniper Hairstreak butterfly.
 - (ii) Prior to any development on Block 3, the Prairie-smoke (*Geum triflorum*) plant must be transplanted to the alvar-like habitat in the Environmental Protection Area. A preservation/relocation plan must be prepared by a Landscape Architect to show the

proposed location of the transplanted plant material. The Owner must submit a letter from a Biologist or Ecologist certifying that the proposed location is appropriate for the preservation and relocation of the Prairie-smoke plant, to the satisfaction of the City and the Cataraqui Region Conservation Authority.

14. Parkland Conveyance

- (a) That lands to be conveyed to the City for park or other public recreational purposes shall be subject to the following conditions:
- i. That all lands shall be left in an untouched, natural state. All existing vegetation is to remain within the limits of the park site, including any significant trees at the property line. Existing grades/elevations are to be maintained at the property lines and within the park itself unless approval for site alteration is received in writing from the Manager of Culture, Parks and Recreation or designate.
 - ii. That prior to assumption of the park, the Manager of Culture, Parks and Recreation shall be in receipt of a clearance memo from the Manager of Environment indicating that the park site is environmentally clean.
 - iii. That the Owner shall enter into a Site Access Agreement with the Municipality to permit City staff to access the park site to complete pre-engineering, survey and design works for the park. This Agreement shall terminate once the Municipality is deeded the land as part of Final Plan Approval.
 - iv. That prior to the commencement of any clearing, grubbing or construction work within 10 metres of the park blocks defined on the Draft Plan, the Owner shall:
 1. Install snow fencing around the periphery of the park site to protect the site. The Municipality will be responsible for the maintenance of the fence and its removal.
 2. Post signage to Municipality specifications, on all accessible sides of each park block, which indicates:
 - the future use of the block as a park;
 - that no construction storage shall occur on this parcel of land nor shall any construction debris be dumped on this site; and
 - that all trees and other vegetation must not be disturbed.
 - v. That prior to the transfer of deeds for the parkland to the City, the Manager of Culture, Parks and Recreation or designate shall inspect the park site to ensure that the park is in a clean/natural state. The conditions on the site must be satisfactory to the Manager of Culture, Parks and Recreation prior to transfer of title and the removal of the snow fencing. Should the park blocks be in an unsatisfactory state, the Owner shall be held responsible for restoring the site to the City's satisfaction.

15. Natural Open Space and/or Environmental Protection Areas

- (a) That the Owner shall deed the lands described as Environmental Protection Area and Open Space, without prejudice or compensation, to the City, said lands being described as Block(s) 9 to 16 inclusive and Block 20, as natural areas. Provisions shall be included in the Subdivision Agreement, or other applicable Agreement,, to advise all purchasers that these public lands are intended to remain in a naturalized condition and that no regular or periodic maintenance, only risk management practices will be done on the land as required by the City.

16. Tree Preservation Plan / Street Trees:

- (a) That prior to Final Plan Approval, the Owner shall submit an assessment of the identified Butternut trees by an approved Butternut Health Assessor.
- (b) That prior to Final Plan Approval and as part of the subdivision design, the Owner shall submit a detailed plan showing the location of all Butternut trees that are to be retained.
- (c) That prior to Final Plan Approval, the Owner shall submit a Tree Preservation Plan prepared by an ISA Certified Arborist, Registered Professional Forester, or Treemarketer and to the satisfaction of the City.

- (d) The recommendations of the Tree Preservation Plan shall be incorporated into the Subdivision Agreement, or other applicable Agreement, and the Subdivision Agreement, or other applicable Agreement, shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (e) 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 City 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 a 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 City. This plan shall be reviewed and approved by the City and be included as a schedule to the Subdivision Agreement, or other applicable Agreement,. Requirements for the tree preservation plan are noted in the subdivision design guidelines produced by the City.
- (f) 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 City.

17. Cataraqi Region Conservation

- (a) That prior to Final Plan Approval, floodplain and wetland compensation be provided to the satisfaction of the Cataraqi Region Conservation Authority for the extension of Centennial Drive through the wetland.

18. Bell Canada

- (a) That the Owner shall meet the following conditions of Bell Canada:
 - i. that the Owner shall agree in the Subdivision Agreement, or other applicable Agreement,, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services; and,
 - ii. 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.
 - iii. 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).

19. Ministry of Transportation

- (a) That prior to Final Plan Approval, the owner shall submit to the Ministry of Transportation for their review and approval, a copy of a drainage / stormwater management plan / report indicating the intended treatment of the calculated runoff.
- (b) That prior to Final Plan Approval, the owner shall submit to the Ministry of Transportation for their review and approval, a copy of a Traffic Impact Study (report / analysis / assessment) indicating the anticipated traffic volumes and their impact to Highway 401, the Highway 401 / Gardiners Road Interchange ramp terminals, and the signalized Gardiners Road / Centennial Drive intersection.

20. Trans-Northern Pipeline

- (a) That the Subdivision Agreement, or other applicable Agreement, shall contain a provision indicating that the Trans-Northern Pipeline will be notified of any further development proposal for Blocks 1 and 8 to ensure compatible use of the pipeline right-of-way.
- (b) That prior to Final Plan Approval, the proposed Street 'A' crossing of the pipeline will have to be approved in accordance with the Pipeline Crossing Regulations. Trans-Northern Pipeline advises that the position of the pipeline may have implications for design of the Street 'A' and Street 'B' intersection, particularly with respect to the placement of lighting, signage and such.
- (c) That approval from Trans-Northern Pipeline shall be obtained prior to any work occurring within the easement or if work will cross the pipeline.
- (d) That prior to any excavation within 30 metres of the Trans-Northern Pipeline easement, the owner/contractor shall contact Trans-Northern Pipeline.
- (e) That prior to any work within the pipeline easement using heavy equipment, the Owner/contractor shall contact Trans-Northern Pipeline a minimum of 3 working days prior to commencement of the activity.

21. Hydro One

- (a) Prior to Final Plan Approval, the Owner shall submit to Hydro One the lot grading and drainage plan, showing existing and final grades, for review and approval. Drainage must be controlled and directed away from the Hydro One corridor.
- (b) That the following Warning Clauses/Notices as required by Hydro One shall be included in the Subdivision Agreement, or other applicable Agreement:
"The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 186-Proximity-of the Regulations for Construction projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20feet) to an energized 500 kV conductor. The distance for 230kV is 4.5 metres (15 feet), and for 115 kV conductors is 3 metres (10 feet). It is the Owner's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line. "
- (c) That the Hydro One corridor is not to be used without the express written permission of Hydro One Networks Inc. During construction, there shall be no storage of materials or mounding of earth or other debris on the right-of-way. The Owner shall be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision.
- (d) The costs of any relocations or revisions to Hydro One facilities that are necessary to accommodate this subdivision shall be borne by the Owner.

22. Utilities Kingston

- (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 City.
- (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.

23. Construction Traffic Route

- (a) Prior to approval of any engineering drawings, arrangements shall be made to the satisfaction of the City of Kingston for a suitable construction traffic route.

24. General Conditions:

- (a) That the Owner shall pay any and all outstanding application fees to the Planning and Development Department, in accordance with the City's Tariff of Fees By-Law.
- (b) That when requesting Final Approval from the City, 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 to the requirements of the Zoning By-Law.
- (c) 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 City.

25. 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 City is to be advised in writing by the Cataraqui Region Conservation Authority the method by which Conditions 12(a), 12(b), 12(d), 13(b)(ii) and 17(a) have been satisfied.
- (c) That prior to Final Plan Approval, the City is to be advised in writing by the Ministry of Transportation the method by which Condition 19 has been satisfied.
- (d) That prior to Final Plan Approval, the City is to be advised in writing by the Ministry of Tourism & Culture the method by which Conditions 11(a), (b) and (c) has been satisfied.
- (e) That prior to Final Plan Approval, the City is to be advised in writing by the Trans-Northern Pipeline the method by which Condition 20 has been satisfied.
- (f) That prior to Final Plan Approval, the Municipality is to be advised in writing by Ontario Hydro the method by which Condition 21 has been satisfied.

26. 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.

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, June 17th, 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 on 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 on Feb 18/10. |
| iv | ZBA | Queen's University | 143 Union Street | D14-116-2008 | Expansion to School of Business. | Appeal Period Expires June 3/10 |
| 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 | 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 |
| vii | 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 |
| viii | 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 |

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|-------|---------------------------|-------------------------------|---|--|--|--|
| ix | 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 |
| x | 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 |
| xi | 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 May 6/10 continuation of meeting May 20/10 |
| xii | 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 |
| xiii | OPA/ZBA | James & Lois Roettger | 1371 Spooner Road | D09-049-2009 D14-163-2009 | | Appeal Period Expires June 3/10 |
| xiv | 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. | Appeal Period Expires June 3/10 |
| xv | 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 on Feb 18/10 |
| xvi | ZBA | 1126497 Ontario Inc. | 346 University Ave. | D14-172-2009 | | Public Meeting held on Mar 4/10 |
| xvii | ZBA/Draft Plan of Sub | City of Kingston | Cataraqui Estates Business Park | D14-173-2009 D12-054-2009 | | Comprehensive Report to be held on June 3/10 |
| xviii | ZBA/Draft Plan of Sub | Braebury Homes | 2939 Creekford Rd. | D14-168-2009 D12-052-2009 | 3 semi-detached lots, 19 residential townhouse blocks and 3 undeveloped blocks | Going to Council June 1/10 |
| xix | ZBA | 1003758 Ontario Ltd. | 234-236 Albert St. | D14-176-2010 | Application for Zoning By-Law Amendment to reduce the minimum required lot areas for the new single-unit residential lot (created by consent and lot addition) and the retained residential lots and to recognize the existing non-complying exterior side yard setback for 234 Albert Street | Comprehensive Report to be held on June 3/10. |

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|-------|---------------------------|--------------------------------|---|---|---|----------------------------------|
| xx | ZBA | Unicum Management Corp. | 780 Division St. | D14—177-2010 | To build a 3 storey 46 unit apartments & 16 stacked townhouses | Public Meeting held on May 6/10. |
| xxi | ZBA | 473796 Ontario Ltd. | 4153,4157 Mangan Blvd., 5216 Dundon Dr. | D14-183-2010 | To construct single-detached residential dwellings on each property and requires a zoning by-law amendment to change the zones to permit the residential use. | public meeting on June 3/10 |
| xxii | OPA/ZBA/Draft Plan of Sub | 1278804 Ontario Corp. | 3480 Princess St. | D09-051-2010, D14-182-2010 & D12-055-2010 | | |
| xxiii | ZBA | Gerry Blacker | 171 Union Street | D14-181-2010 | | Public Meeting June 3/10 |
| xxiv | ZBA | Amev & Moniz | 2312 & 2262 Cole Hill Rd. | D14-178-2010 | | Public Meeting June 17/10 |
| xxv | ZBA | Salvation Army | 326 Alfred St. | D14-180-2010 | | |
| xxvi | ZBA | Peter Splinter Family Holdings | 2435 Princess St. | D14-179-2010 | | Public Meeting June 3/10 |

11. Applications Requested To Be Bumped Up To Planning Committee For Site Plan Control / or Final Subdivision 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 | 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 | |
| vi | Barr Homes | 1 Potter Street | D12-053-2009 | Residential Subdivision | Lisa Osanic | Application Being Processed |
| vii | Frontenac Community Mental Health Services | 35 Lyons Street | D11-282-2010 | 4½ storey building with 46 dwelling units | Lisa Osanic Steve Garrison | Application Being Processed |

12. **APPROVED SITE PLAN ITEMS:**

D11-244-2009M – 477 Palace Rd – Addition of a Fifth Residential Basement Unit

13. **APPLICATIONS APPEALED TO ONTARIO MUNICIPAL BOARD:**

2010 City of Kingston Official Plan – 4 Appeals

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 2010 | #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 2010 | #33 on Priority Matrix |