



CITY OF KINGSTON
REPORT TO PLANNING COMMITTEE

Report No.: PC-12-007

TO: Chair and Members of Planning Committee

FROM: Cynthia Beach, Commissioner, Sustainability and Growth

RESOURCE STAFF: Grant C. Bain, Director, Planning and Development Department

DATE OF MEETING: December 1, 2011

SUBJECT: **COMPREHENSIVE REPORT**
ZONING BY-LAW AMENDMENT
1338 Princess Street
Applicant – Kingston Co-operative Homes Inc.
Agent – H.M. Sardinha Architect Inc.
File No. D14-175-2010

EXECUTIVE SUMMARY:

This is a Comprehensive Report to recommend approval of an application for Zoning By-Law Amendment which has been submitted by H.M. Sardinha Architect Inc. on behalf of Kingston Co-operative Homes Inc. with respect to the property known as 1338 Princess Street. The subject property is 2.4 hectares in area and contains 13 low rise residential buildings with a total of 95 dwelling units. The proposed amendment is to permit the construction of eight (8) additional dwelling units and some accessory office space for the administration of the Co-op. The new space and dwellings would be created through additions to the existing buildings and one new building. The result would be a total of 103 dwelling units on the site and accessory administrative office space.

A Public Meeting with respect to this application was held on April 7th, 2011.

The requested Zoning By-Law Amendment is appropriate for the existing residential development and is compatible with surrounding commercial and residential uses.

The application conforms to and is consistent with the applicable policies in the Provincial Policy Statement and complies with the general intent of the City of Kingston Official Plan. No specific concerns were raised by external or internal agencies with respect to the Zoning By-Law Amendment application.

December 1, 2011

- Page 2 -

RECOMMENDATION:

THAT it be recommended to Council that the application for Zoning By-Law Amendment (Our File No. D14-175-2010) submitted by H.M Sardinha Architect Inc., on behalf of Kingston Co-operative Homes Inc. with regard to the property municipally known as 1338 Princess Street, **BE APPROVED**; and,

THAT it be recommended to Council that the By-Law No. 8499, "Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston" and By-Law No. 541, "Zoning By-Law Township of Kingston", as amended, be further amended as follows:

1. By-Law No. 541 of the former Township of Kingston as it applies to 1338 Princess Street, also described as Concession 2 Part Lot 18, Part of Lot 1 Registered Plan 378 and Lot 6 Registered Plan 369, Parts 1 and 2 of Reference Plan 13R6156, be repealed.
2. 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:
 - 2.1. Map 12 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from "IND. B" of By-Law 541 to "B2.410", as shown on Schedule "A" attached to and forming part of By-Law No. 2011-_____.
 - 2.2. Map 12 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from "A2" to "B2.410", as shown on Schedule "A" attached to and forming part of By-Law No. 2011-_____.
 - 2.3. By **Adding** a new subsection 410 thereto as follows:

"410. 1338 Princes Street

Notwithstanding the provisions of Section 15 hereof to the contrary, the lands designated 'B2.410' on Schedule 'A' hereto, the following regulations shall apply:

- 1) The maximum number of dwelling units permitted on the site shall be 103 dwelling units.
- 2) The minimum number of parking spaces required shall be 109 spaces.
- 3) The minimum amount of landscaped open space shall be 12,800 square metres; this space may also be part of the area used for Play Space and Amenity Space"; and,

December 1, 2011

- Page 3 -

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

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER _____ Cynthia Beach, P.Eng., MCIP, RPP, Commissioner, Sustainability and Growth
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER _____ Gerard Hunt, Chief Administrative Officer

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Lanie Hurdle, <i>Community Services</i>	N/R
Denis Leger, <i>Transportation, Properties & Emergency Services</i>	N/R
Jim Keech, <i>President and CEO, Utilities Kingston</i>	N/R

(N/R indicates consultation not required)

December 1, 2011

- Page 4 -

OPTIONS/DISCUSSION:**Introduction:**

On January 20, 2011, H.M. Sardinha Architect Inc., on behalf of Kingston Co-operative Homes Inc., submitted an application for the purpose of permitting eight (8) additional dwelling units and accessory office space to be added to the existing development of 95 dwelling units. The subject property is designated "Residential" in the Official Plan and is zoned Residential One-Family Dwelling Zone "A2" in Zoning By-Law No. 8499 City of Kingston and Industrial Zone "IND. B" in Zoning By-Law No. 541 of the Township of Kingston, now City of Kingston.

The subject site is approximately 2.4 hectares (6 acres) in size and is located in Part Lot 18, Concession 2 in Kingston Central and is known municipally as 1338 Princess Street (refer to attached Key Map). The property has 17.9 metres (58 feet) of frontage on Princess Street, an arterial road. The bulk of the lands are set back more than 30 metres (100 feet) from Princess Street; these lands are zoned Industrial "IND. B" and contain 13 residential buildings. This area is connected to the street by a 17.9 metre wide strip of land which is zoned "A".

In accordance with By-Law No. 2007-43, pre-consultation meetings between the applicant and various departments and agencies were conducted on March 26, 2008, March 30, 2010 and April 27, 2010. Supporting site plan and reports were submitted on March 4, 2011, and the Zoning By-Law Amendment application was deemed complete, in accordance with the Planning Act. The public meeting was held on April 7, 2011.

Application:

The purpose of the application is to increase the number of dwelling units allowed on the property. There are currently 13 buildings on the property. These contain 95 row dwelling units and the administrative offices of Kingston Co-operative Homes Inc. The purpose of the application is to increase the maximum permitted number of dwelling units to 103. This would allow up to 8 new dwelling units to be constructed. The draft site plan submitted shows that the additional units could be accommodated in two new buildings that abut existing buildings and one new freestanding building.

An *Analysis of On-Site Stormwater Management Requirements*, prepared by Josselyn Engineering Incorporated, dated May 4, 2009 and a Site Plan Drawing prepared by H. M. Sardinha Architect Inc. were submitted with the application.

Location and Site Characteristics:

The subject property is located on the south side of Princess Street midway between Portsmouth Avenue and Hillendale Avenue. The frontage is a narrow (17.9 m by 30 m) access way leading to the bulk of the property located in the middle of a block. The property does not

December 1, 2011

- Page 5 -

have any other direct access or frontage onto a public road. The following land uses surround the subject site:

- North – Commercial lots varying from small to medium lot areas; these front onto Princess Street
- East – Residential single detached houses
- South – Residential single detached houses
- West – Residential single detached houses

Provincial Policy Statement:

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy issues.

The proposal is consistent with the Provincial Policy Statement with respect to the following Policies:

It is consistent with Policy 1.1.1.e), the existing and proposed design is a ground oriented development it provides a medium density development that is healthy, livable and safe.

- Policy 1.1.1.e) - it provides a healthy, liveable and safe community and promotes effective development standards to minimize land consumption and servicing costs as it is of medium density.
- Policy 1.1.2 – it is an intensification and redevelopment type of development.
- Policy 1.1.3.3 – it is an intensification and redevelopment project that is accommodated within existing building stock and area; and uses existing infrastructure and public service facilities to accommodate needs.
- Policy 1.1.3.4 – it has appropriate development standards that facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.
- Policies 1.4.1 and 1.4.3 – it helps to provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the regional market area.
- Policy 1.6.2 – it optimizes the use of existing infrastructure and public services.

The application conforms to and is consistent with the applicable policies in the Provincial Policy Statement.

Official Plan:

The subject property is designated “Residential” and “Arterial Commercial” in the Official Plan. The vast majority of the property is designated “Residential”; only the narrow access strip

December 1, 2011

- Page 6 -

leading to Princess Street is designated "Arterial Commercial". The residential areas are surrounded by other "Residential" areas and the access strip abuts small properties also designated "Arterial Commercial".

The goal of the "Residential" designation is to respond to the housing needs of the City's citizens by retaining and augmenting a broad range of housing within a safe, convenient and stable setting, organized primarily into neighbourhoods. (Section 3.3) Existing areas are considered stable. Only minor changes in the predominant pattern of housing type, height or density are permitted without amendment to the Official Plan in accordance with Section 2.6.

This proposal is consistent with both the infill and intensification policies of the Official Plan and meets the following criteria of Section 3.3.7 and 8:

- Adequate municipal services are available;
- The existing development and proposed additions are compatible with the general pattern of development in adjacent sites in terms of gradation in building heights;
- The proposed development is identical and compatible with the existing units within the development in terms of building mass and design;
- The additional units will result in a development that is in the lower range of medium density residential intensity; it represents appropriate intensification;
- The new buildings will be compatible with the design of the development in terms of setbacks, location of private open space, distance between buildings, driveways and parking areas, location of entranceways, landscape treatment or other built form elements;
- The new buildings will have minimal *adverse effects* in terms of privacy, access to sunlight, or shadowing due to the similarity to the existing buildings;
- The increases in vehicular traffic are minimal and manageable;
- The location does not require a heritage impact statement and none was provide;
- The increase in density is minimal and suitable for the area; and,
- The site is located near a transit route and community facilities.

The Kingston Co-operative Homes Inc. operates a form of shared ownership in housing. This form of housing is generally considered to be affordable housing. This is consistent with Section 3.3.10.a) regarding the provision of affordable housing. All of the new units can be considered affordable and therefore would exceed the 25% requirement for this development.

The current density is 39.6 units per hectare which is a medium density development. The proposal will increase the density to 43 units per hectare. The increase of 3.4 units per hectare is relatively small. The resulting density is still in the lower range of medium density defined in Section 3.3.B.1 as 30 to 70 units per hectare. The small increase will not create any significant negative impacts on any surrounding land uses. Any onsite impact can be adequately

December 1, 2011

- Page 7 -

addressed through site design in a Site Plan Control approval which will be required before any additional units can be constructed.

The stability of the neighbourhood is not affected by the proposal or the increase in density. The proposal is consistent with the policies of Section 2.6 regarding stable areas as the established density remains at the low end of the medium density designation; there is no change in the land use pattern; there is no significant change in the activity level; there is no change in ownership pattern. As a co-operative housing type there will be a consistent standard of property maintenance and given the type of housing there is no pattern or trend of planning applications which would lead to a transitioning neighbourhood. There is no significant increase in density and the infrastructure is available to support 8 additional dwelling units. This is a stable area and the change will not alter the stability.

There are no new land use compatibility issues being introduced with the proposal. Adverse effects as described in Section 2.7.3 such as: shadowing, loss of privacy, increased noise, odour, dust, or vibration, wind speed, traffic, environmental damage, diminished service levels, diminished amenity, safety, access, outdoor areas and historic quality, and architectural quality will not be significantly altered.

Zoning:

The subject property is located in the "Industrial B" Zone of the former Township of Kingston Zoning By-Law No. 541 for the residentially used portion of the property. This is the vast majority of the land. The access strip to Princess Street is located in the "A2" Zone of City of Kingston Zoning By-Law No. 8499. This is a very small part of the parcel. The former Township of Kingston Zoning By-Law was enacted in 1947 and does not contain provisions and definitions common in newer zoning by-laws.

The proposed draft by-law would place the parcel of land under the jurisdiction of Zoning By-Law No. 8499. This is the same By-Law that applies to the abutting lots and the surrounding neighbourhood. Provisions regarding side yards and building height would be consistent with the "B2" Zone provisions that apply to other similar types of development regulated by Zoning By-Law No. 8499. Only three site specific provisions are required to allow the proposal:

- a. 103 dwelling units are permitted;
- b. 109 parking spaces are required for the development; and
- c. 12,800 square metres of land are to be dedicated to play space and amenity space.

Under the current provisions of the IND. B zone the total project would require 78 parking spaces. The proposal exceeds the old requirement by 31 parking spaces or 40% more than required under By-Law 571. Under the new Zoning By-Law No. 8499 the requirement would be 103 parking spaces. The proposal exceeds the requirement by 6 parking spaces or 6% more than required.

December 1, 2011

- Page 8 -

The play space and amenity space represents 52% of the lot area (12,800/24,406 square metres). The buildings along the perimeter are approximately 8 meters (26 feet) from the lot line; therefore, all of these units have a usable back yard that is as wide as the unit and as deep as most lots in new residential developments. The lots in the centre block share a park area that is approximately 800 square metres (1/5 acre) in area. This is a viable and usable park suitable for play and amenity space. The site also contains a park area along the west side of the property, approximately 1200 square metres (1/4 acre) in area. This park will remain even after all the proposed buildings and parking areas are built. The total amount of amenity space is adequate to service the residents and is well designed to service a range of private and shared needs.

All other provisions of the B2 Zone are applicable and the proposal appears to be in compliance with them.

The draft by-law is consistent with the policies of the Official Plan.

Technical Analysis:

In support of the applications for Zoning By-Law Amendment a storm water report and site plan drawing were submitted. The *Analysis of On-Site Stormwater Management Requirements*, prepared by Josselyn Engineering Incorporated, dated May 4, 2009 was reviewed by the Engineering Department and it supports the development. The draft Site Plan Drawing prepared by H. M. Sardinha Architect Inc. was submitted as a proof of concept to demonstrate that there is room on the property for a viable design for 8 additional units. The calculations, site statistics and the storm water management report were based on the draft Site Plan.

Prior to construction, a Site Plan Control approval will be required. The applicant is aware of this requirement and plans to make the application when funds are available.

There are no technical objections to the proposal based on storm water management or servicing of the site. No objections were raised by any of the departments or agencies circulated.

Conclusion:

In conclusion, Planning and Development Staff recommend **APPROVAL** of the application for Zoning By-Law Amendment for the property municipally known as 1338 Princess Street.

The application conforms to and is consistent with the applicable policies in the Provincial Policy Statement. The special zone provisions are consistent with the 'Residential' policies of the Official Plan. The proposed Zoning By-Law Amendment is appropriate given the proximity to the surrounding residential neighbourhood ability of the site to accommodate additional dwelling units. Appropriate zoning provisions have been included to ensure compatibility with the nearby uses.

December 1, 2011

- Page 9 -

EXISTING POLICY/BY LAW:

The proposed amendment was reviewed against the policies of the Province of Ontario and policies, By-Law and studies of the City of Kingston to ensure that the changes would be consistent with the Province's and City's vision of urban development. The following documents were assessed:

***Provincial
Planning Act***

Provincial Policy Statement, 2005

Municipal

City of Kingston Official Plan

NOTICE PROVISIONS:

Pursuant to the requirements of the *Planning Act* a notice of the statutory Public Meeting was provided by advertisement in the form of a sign posted on the subject property 20 days in advance of the Public Meeting. In addition, prepaid first class mail was sent to all property owners (according to the latest Assessment Rolls) within 120 metres (400 ft.) of the subject property. There were approximately 143 notifications sent.

A courtesy notice advertising this Regular Meeting was published in *The Kingston Whig-Standard*. Notice of this Planning Committee Meeting was sent to all individuals who submitted written correspondence and who formally requested notice.

If the application is approved, a Notice of Passing for the Zoning By-Law Amendment will be circulated in accordance with the provisions of the *Planning Act*.

Public Comments:

There were no public comments.

ACCESSIBILITY CONSIDERATIONS:

No accessibility concerns have been identified. Accessibility will be further reviewed as part of the Site Plan Control process.

FINANCIAL CONSIDERATIONS:

No financial implications are considered in this report.

December 1, 2011

- Page 10 -

CONTACTS:

- Steven Chew, Senior Planner, Development Approvals, 613-546-4291, ext. 3273;
- Marnie Venditti, Manager, Development Approvals, 613-546-4291, ext 3256; and,
- Grant C. Bain, Director, Planning and Development Department, 613-546-4291, ext. 3252.

OTHER CITY OF KINGSTON STAFF CONSULTED:

The application was circulated to the relevant internal departments and external agencies for review and comment. The responses to the technical circulation have been addressed in the technical review and included in the comprehensive report. Technical comments relating to servicing and site design will be addressed through the Site Plan Control process. The application was circulated to the following departments and technical agencies: Building Inspection, Engineering, Utilities Kingston, Fire and Rescue, Kingston Hydro Corp.

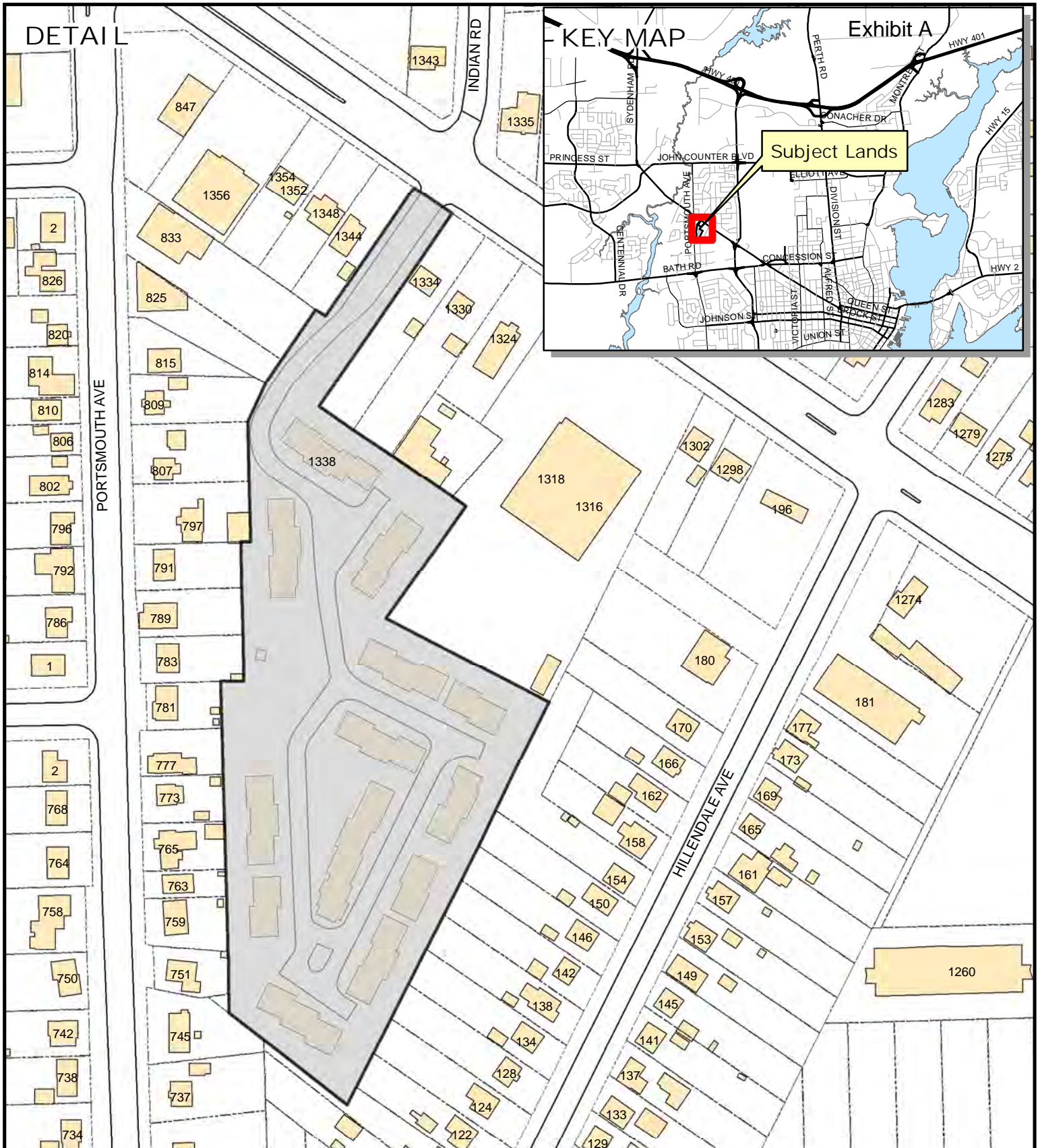
EXHIBITS ATTACHED:

- Exhibit A Key Map;
- Exhibit B Draft By-Law;
- Exhibit C Official Plan;
- Exhibit D Existing Zoning; and,
- Exhibit E Concept Site Plan.

DETAIL

KEY MAP

Exhibit A



Planning & Development
a department of Sustainability & Growth

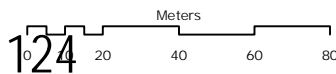
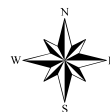
THE CORPORATION OF THE CITY OF KINGSTON
PLANNING & DEVELOPMENT DEPARTMENT

KEY MAP

Applicant: Kingston Co-operative Homes Inc.
File Number: D14-175-2010
Address: 1338 Princess Street
Legal Description: CON 2 PT LOT 18 RP 13R6156
PART 1 PART 2
ARN: 1011060090154000000

Legend

 Subject Lands



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BY-LAW NO. 2011-____

A BY-LAW TO AMEND BY-LAW NO. 8499, "RESTRICTED AREA (ZONING) BY-LAW OF THE CORPORATION OF THE CITY OF KINGSTON" and BY-LAW NO. 541, "ZONING BY-LAW TOWNSHIP OF KINGSTON" (Zone Change from Industrial "IND.B" Zone of former Township of Kingston Zoning By-Law No. 541 to Multiple Family Dwelling (Unified Ownership) Zone "B2.410" of City of Kingston Zoning By-Law No. 8499 , 1338 Princess Street)

PASSED:

WHEREAS by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal Corporation and, pursuant to the Minister's Order, any by-laws of the former municipality passed under the Planning Act continue as the by-laws covering the area of the former municipality now forming part of the new City;

AND WHEREAS the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law No. 541 of the former Township of Kingston and By-Law No. 8499, as amended, of the former City of Kingston;

NOW THEREFORE the Council of The Corporation of the City of Kingston hereby **ENACTS** as follows:

1. By-Law No. 541 of the former Township of Kingston as it applies to 1338 Princess Street, also described as Concession 2 Part Lot 18, Part of Lot 1 Registered Plan 378 and Lot 6 Registered Plan 369, Parts 1 and 2 of Reference Plan 13R6156, be repealed.
2. 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:
 - 2.1. Map 12 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from "IND. B" of By-Law 541 to "B2.410", as shown on Schedule "A" attached to and forming part of By-Law No. 2011-____.
 - 2.2. Map 12 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from "A2" to "B2.410", as shown on Schedule "A" attached to and forming part of By-Law No. 2011-____.
 - 2.3. By **Adding** a new subsection 410 thereto as follows:

"410. 1338 Princes Street

Notwithstanding the provisions of Section 15 hereof to the contrary, the lands designated 'B2.410' on Schedule 'A' hereto, the following regulations shall apply:

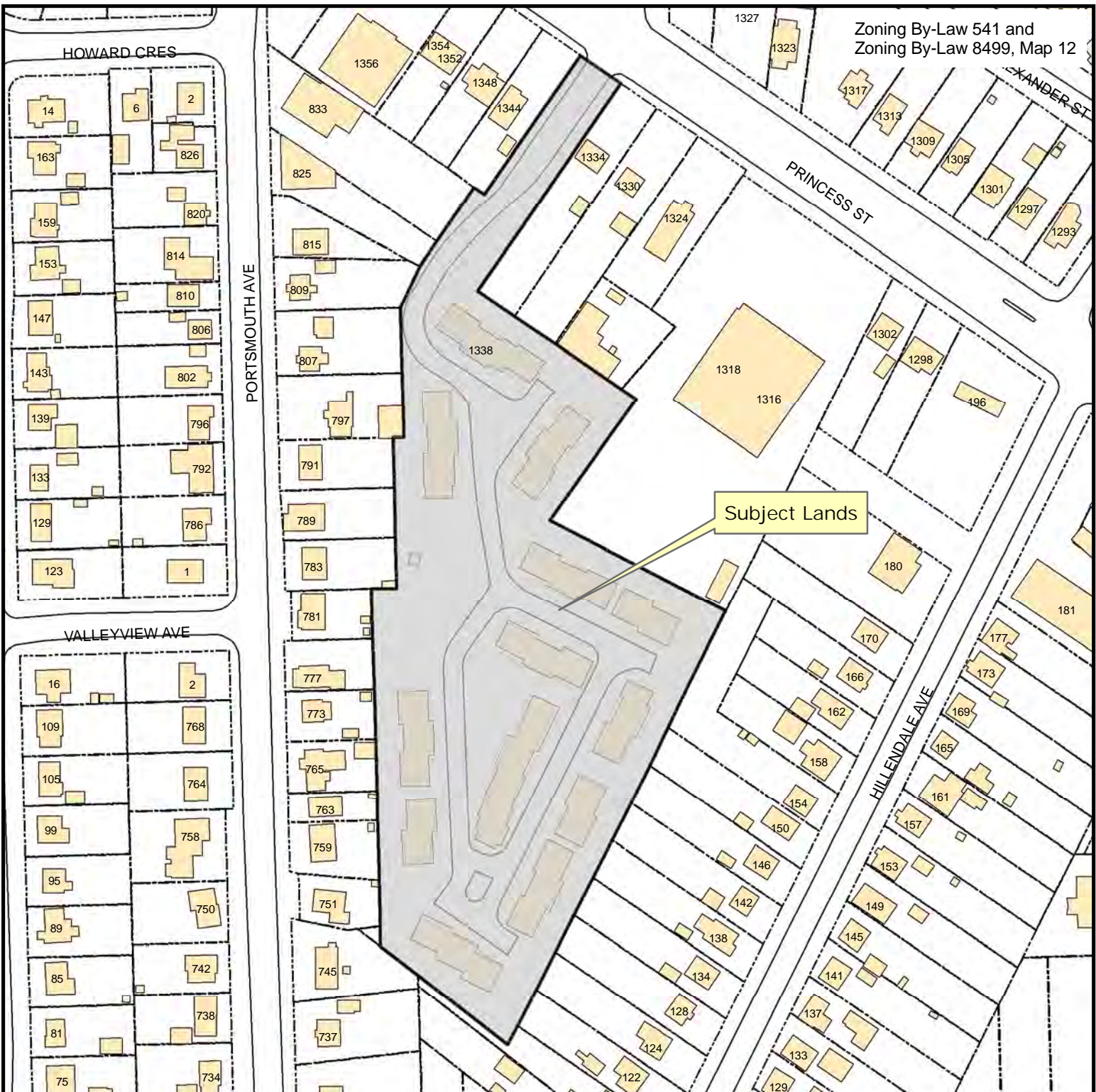
- 1) The maximum number of dwelling units permitted on the site shall be 103 dwelling units.
- 2) The minimum number of parking spaces required shall be 109 spaces.
- 3) The minimum amount of landscaped open space shall be 12,800 square metres; this space may also be part of the area used for Play Space and Amenity Space.

3. This By-Law shall come into force and take effect on its passing, provided no Notice of Appeal is filed to this By-Law, all in accordance with the provisions of Section 34, Subsections 19 and 30 of the Planning Act, R.S.O. 1990, c. P. 13; and where one or more appeals have been filed within the time period specified, at the conclusion of which the provisions of Section 34, Subsections 19 and 30 of the Planning Act, R.S.O. 1990, c. P. 13 shall apply and the By-Law shall be deemed to have come into force and take effect on the day it was passed.

GIVEN ALL THREE READINGS AND PASSED month day, year-not bold

CITY CLERK

MAYOR



THE CORPORATION OF THE CITY OF KINGSTON

SCHEDULE 'A' TO BY-LAW NO.

Planning &
Development
a department of
Sustainability &
Growth

Applicant: Kingston Co-operative Homes Inc.
File Number: D14-175-2010
Address: 1338 Princess Street
Legal Description: CON 2 PT LOT 18
RP 13R6156 PART 1 PART 2
ARN: 1011060090154000000

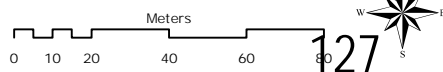
LEGEND



Subject Lands Rezoned from
"INDUSTRIAL B" in Zoning By-Law 541 &
"A2" in Zoning By-Law 8499 to
"B2.410" in Zoning By-Law 8499

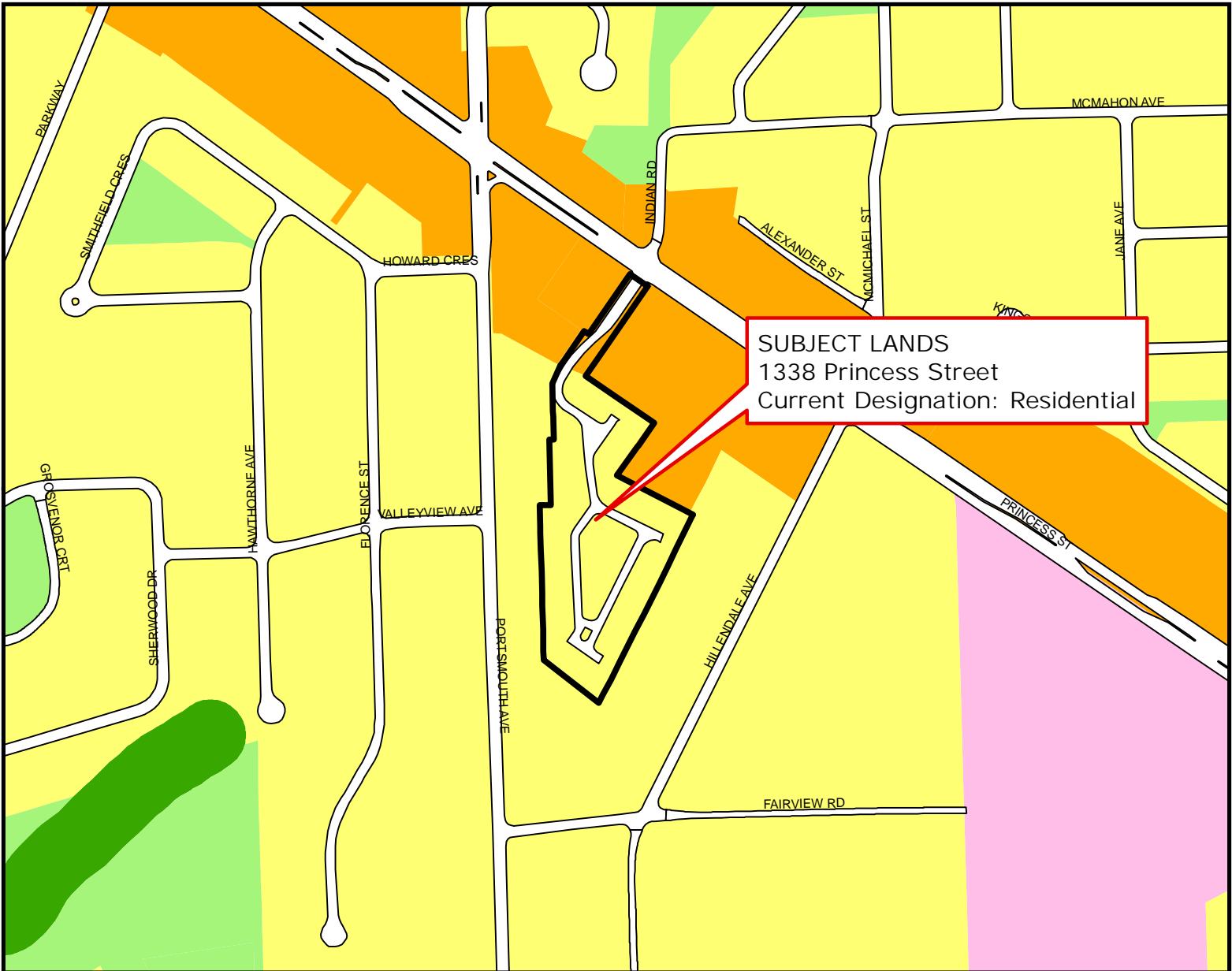
Certificate of Authentication

This is Schedule 'A' to By-Law No. _____,
passed this _____ day of _____ 20____.



Mayor

Clerk



LEGEND

RESIDENTIAL

- ESTATE RESIDENTIAL
- RESIDENTIAL

COMMERCIAL

- ARTERIAL COMMERCIAL
- CENTRAL BUSINESS DISTRICT
- DISTRICT COMMERCIAL
- MAIN STREET COMMERCIAL
- REGIONAL COMMERCIAL

EMPLOYMENT

- AIRPORT
- BUSINESS PARK INDUSTRIAL
- GENERAL INDUSTRIAL
- WASTE MANAGEMENT INDUSTRIAL

RURAL

- MINERAL RESOURCE AREA
- PRIME AGRICULTURAL AREA
- RURAL AREA

- RURAL COMMERCIAL
- RURAL INDUSTRIAL

OTHER

- DEFERRED AREA
- ENVIRONMENTAL PROTECTION AREA
- INSTITUTIONAL
- OPEN SPACE
- SECONDARY PLAN AREA



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a department of Sustainability & Growth

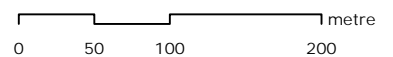
THE CORPORATION OF THE CITY OF KINGSTON

**Official Plan for the City of Kingston
Schedule 3-A, Existing Land Use**

Applicant: Kingston Co-operative Homes Inc.
File Number: D14-175-2010
Address: 1338 Princess Street
Legal Description: CON 2 PT LOT 18
RP 13R6156 PART 1 PART 2
ARN: 1011060090154000000

Legend

- Subject Lands



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THE CORPORATION OF THE CITY OF KINGSTON
PLANNING & DEVELOPMENT DEPARTMENT

EXISTING ZONING

Planning & Development
a department of
Sustainability & Growth

Applicant: Kingston Co-operative Homes Inc.
File Number: D14-175-2010
Address: 1338 Princess Street
Legal Description: CON 2 PT LOT 18
RP 13R6156 PART 1 PART 2
ARN: 1011060090154000000

Legend:

-  Current Zoning:
Zoning By-Law 541: "INDUSTRIAL B"
-  Current Zoning:
Zoning By-Law 8499: "A2"

