TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Planning and Development Services
PREPARED BY: Wendy Tse, Senior Planner
DATE OF MEETING: 2003-12-02
SUBJECT: Application To Lift Part Lot Control – 370-396 Jennifer Court
Frances Splinter Rentals
Our File No. D27-23-03

RECOMMENDATION TO COUNCIL:

WHEREAS Frances Splinter Rentals has submitted an application requesting that Part Lot Control be lifted from Blocks 1 to 14, inclusive, of Registered Plan No. 13M-46 in the “Jennifer Court” Subdivision, the subject lands being located on the west side of Augusta Drive, north of Princess Street in the Cataraqui North Neighbourhood in Kingston West; and

WHEREAS the Owner has complied with the conditions for the Lifting of Part Lot Control:

THEREFORE BE IT RESOLVED that it be recommended to the Council of The Corporation of the City of Kingston that the application to Lift Part Lot Control (Our File No. D27-23-03) for the “Jennifer Court” Subdivision, BE APPROVED.

AND BE IT FURTHER RESOLVED that a By-Law be passed to Lift Part Lot Control from Blocks 1 – 14 inclusive, Registered Plan 13M-46.

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

(The Draft By-Law is appended to this report as Appendix No. 1 for Council’s review and consideration.)

ORIGIN/PURPOSE:

This matter originates in the submission of an Application for Part Lot Lift for Blocks 1-14 of Registered Plan 13M-46, which consists of the entire “Jennifer Court” Subdivision, submitted by Frances Splinter Rentals. The purpose of this report is to assess the merits of the request and to make a recommendation to Council on the Application to Lift Part Lot Control.
OPTIONS/DISCUSSION:

(a) **Site Location and Description:**
The lands which are the subject of this application constitute all of the residential blocks (Blocks 1-14) of the “Jennifer Court” Subdivision. The subject lands are located on the west side of Augusta Drive, north of Princess Street, in the Cataraqui North Neighbourhood in Kingston West.

The subject property comprises a total of 1.5 hectares (3.73 acres) of land. The subdivision consists of a mix of semi-detached and rowhouse dwellings for a total of 45 dwelling units. Construction is proceeding in one phase.

(b) **Background:**
City Council issued Draft Plan Approval on September 17, 2002 for the “Jennifer Court” Subdivision, subject to a number of conditions. Further, amending Zoning By-Law Nos. 2002-228 and 2002-229 (amending both Zoning By-Laws No. 97-102 and No. 76-26), were passed by Council on September 17, 2002 and rezoned the subject property to the ‘LDR-1-H’ Special Low Density Residential Zone. The ‘LDR-1’ Zone permits two unit and rowhouse dwellings. In accordance with the policies of the Official Plan for the former Township of Kingston, the ‘LDR-1’ Zone was subject to an ‘-H’ Holding Symbol that delayed development until certain conditions were fulfilled by the owners.

A portion of the abutting lands at 2396 Princess Street were consolidated to facilitate the development of this subdivision. This was granted provisional approval by the Committee of Adjustment on June 24, 2002 and all conditions have been satisfied for the registration of the consolidation.

The “Jennifer Court” Subdivision received Final Approval on June 26, 2003. The Plan has been registered as Plan 13M-46.

An application (D28-53-02) to Remove the ‘-H’ Holding Symbol was submitted and was the subject of a separate report to Council. On July 15, 2003, City Council passed Amending Zoning By-Law No. 2003-182 to remove the ‘-H’ Holding Symbol from the “Jennifer Court” Subdivision.

(c) **Procedural Information:**
Applications to **Lift Part Lot Control** (Section 50 of the *Planning Act*) are generally submitted for plans of subdivision containing semi-detached lots or residential blocks and are not subject to the holding of a public meeting. The *Planning Act* provides that the Council of the Municipality may, by By-Law, provided that Section 50 (5) of the *Planning Act* does not apply to land that is within a registered Plan or Plans of Subdivision or parts thereof. The lifting of Part Lot Control allows for the separate ownership of lots or dwellings without the necessity of each owner having to apply to the Committee of Adjustment for a Consent to Conveyance. After the By-Law is passed by Council, it is registered on title and the process is complete. Applications for the lifting of Part Lot Control are generally submitted once the Subdivision Agreement has been signed and the final layout of the subdivision has been determined.

By-Laws to Lift Part Lot Control are typically technical in nature as the planning issues related to the development and use of the subject lands have been established as part of the initial rezoning process. Also, any technical issues and required clearance letters are generally addressed through
OPTIONS/DISCUSSION (Cont’d):

(c) Procedural Information (Cont’d):
The Subdivision Review process and the standard Subdivision Agreement. Pursuant to Council’s adopted procedures (Clause 5, Report No. 7, Meeting No. 2, held on 1998-12-15), reports dealing with Applications for the Lifting of Part Lot Control are referred directly to City Council by staff. This process was instituted as a customer service initiative to reduce the processing time for applications and in recognition of the fact that the key decisions with respect to land use and the physical form of development have been determined by the Planning Committee and City Council. This direct process was determined to be more efficient given the fact that such applications are generally submitted towards the end of the planning process when timing may be critical to the developer.

(d) Analysis:
The Final Plan for the “Jennifer Court” Subdivision divides the property into a total of fourteen (14) residential Blocks (1-14) intended for a mix of two unit and rowhouse dwellings. The Plan also includes the necessary street, Jennifer Court, to service the subdivision. The Plan has now been registered as Plan 13M-46.

The “Jennifer Court” Subdivision is being developed as a residential infill development between existing residential development to the north and commercial development to the south. The fourteen (14) residential blocks are currently being developed for 45 freehold units, consisting of a mix of two, three and four unit dwellings.

On July 15, 2003, City Council passed Amending Zoning By-Law No. 2003-182 to remove the ‘-H’ Holding Symbol from this Subdivision.

This subdivision is being developed in one stage. A Site Plan Control Application has been approved and the agreement was registered on August 11, 2003 as Instrument LT064718.

The lifting of Part Lot Control will allow for the development of the various Blocks without the necessity of the Owner/Subdivider or each purchaser having to apply to the Committee of Adjustment for a severance to create each lot.

The Lifting of Part Lot Control for the “Jennifer Court” Subdivision is considered to be appropriate for the following reasons:

- The Final Plan of Subdivision showing a total of fourteen (14) Blocks has been approved by the Municipality and has been registered as Plan 13M-46;
- The Subdivision Agreement and all related conveyance documents have been executed by the owner and registered on title;
- The approved zoning for the subject property provides for the construction of two unit and row dwellings;
- The ‘-H’ Holding Symbol for “Jennifer Court” Subdivision was lifted by Council on July 15, 2003 with the passing of By-Law No. 2003-182;
- The Owners have received Site Plan Control Approval, which plans include the detailed engineering drawings as well as the proposed lot configurations.
OPTIONS/DISCUSSION (Cont’d):

(e) Conclusion:
The Final Plan and Subdivision Agreement for the “Jennifer Court” Subdivision have now been registered. Site Plan Control Approval and Removal of the ‘-H’ Holding Symbol of the Subdivision have been finalized and Council has approved Amending Zoning By-Law No. 2003-182 (‘-H’ Removal). It is therefore recommended that City Council Lift Part Lot Control for the “Jennifer Court” Subdivision.

LINK TO STRATEGIC PLAN:
The Strategic Plan promotes responsible new development.

FINANCIAL CONSIDERATIONS:
No financial implications are to be considered in this report.

CONTACTS:
Further information regarding this application and the contents of this report may be obtained by contacting:

- Wendy Tse, Senior Planner, Development Approvals (384-1770, extension 3219);
- Steven Chew, Acting Supervisor-Development Approvals. (384-1770, extension 3273); or
- George Wallace, Acting Manager Planning Division (384-1770 extension 3252).

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
The application was circulated to the following departments and no objections or concerns were identified:
Engineering Services;
Building Division;
Utilities Kingston; and
Fire and Rescue.

NOTICE PROVISIONS:
No Notice requirements necessary.

APPENDICES:
Appendix No. 1 - Draft By-Law to Lift Part Lot Control
THE CORPORATION
OF THE
CITY OF KINGSTON

DRAFT BY-LAW
LIFTING OF PART LOT CONTROL

Frances Splinter Rentals (Owner)
"Jennifer Court" Subdivision
Blocks 1 to 14, Registered Plan 13M-46
North and South Sides of Jennifer Court

File No. D27-23-03
Drafted: 2003-11-10

The Corporation of the City of Kingston
Planning Division,
Planning and Development Services
216 Ontario Street,
Kingston, Ontario
K7L 2Z3
BY-LAW NO. 2003-_______

A BY-LAW TO EXEMPT CERTAIN LANDS ON REGISTERED PLAN 13M-46 FROM THE PROVISIONS OF SECTION 50 (5) OF THE PLANNING ACT, R.S.O. 1990, CHAPTER P.13, AND AMENDMENTS THERETO (Blocks 1 – 14 – Inclusive, “Jennifer Court” Subdivision).

PASSED: __________________, 2003

WHEREAS Section 50 (5) of the Planning Act, R.S.O. 1990, as amended, provides that no owner may convey a part of any lot or block which is within a Registered Plan of Subdivision without the consent of the Committee of Adjustment or Land Division Committee, as the case may be, unless the land is being acquired or disposed of by the Federal or Provincial Government or by any Municipality or that is being acquired for the construction of a transmission line, and

WHEREAS Section 50 (7) of the Planning Act, R.S.O. 1990, as amended, provides that the Council of the Municipality may, by By-Law, provide that Section 50 (5) of the Planning Act does not apply to the land that is within a registered plan or plans of Subdivision or parts thereof, and

WHEREAS Frances Splinter Rentals has requested an exemption from Part Lot Control for Blocks 1 – 14 inclusive of Registered Plan 13M-46, such exemption being for the purpose of allowing the sale of two unit and row dwellings as permitted by the ‘LDR*1’ zoning provisions of Zoning By-Law No. 97-102, as amended:

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the City of Kingston hereby ENACTS as follows:

1. Subsection (5) of Section 50 of the Planning Act R.S.O. 1990 as amended does not apply to Blocks 1 – 14 inclusive of Registered Plan 13M-46.

2. Schedule "A" is hereby declared to form part of this By-Law.
3. This By-Law shall come into force and take effect on the date of its passing.

GIVEN ALL THREE READINGS AND FINALLY PASSED ON THE ___
day of ____________, 2003.

________________________  _______________________
Mayor, Harvey Rosen       City Clerk, Carolyn Downs
Application to Lift Part Lot Control

Applicant: Braebury Homes Corporation
File No.: D27-23-03
Address: Cataraqui North Subdivision
Plan No.: PLAN 13M-16 BLK 71
Lot/Conc.: 101108019300100

Schedule 'A'

Legend:

- Lands Subject to Part Lot Lift

Certificate of Authentication

This is Schedule 'A' to By-law No. passed this ____ day of _______ 20____.

Date: November 13, 2003
Prepared by: T. Gravel
TO: Bert Meunier, Chief Administrative Officer
FROM: Mark Segsworth, Commissioner, Operations
PREPARED BY: Paula Nichols, Manager, Parking Services
DATE OF MEETING: 2003-12-02
SUBJECT: Complimentary Parking on Saturdays and Sundays in the Downtown before Christmas

RECOMMENDATION TO COUNCIL:

That Council approve the partnership with the Downtown Kingston BIA to provide complimentary parking at the City’s attended lots on Saturdays and Sundays on December 6, 7, 13, 14, 20, and 21, 2003.

ORIGIN/PURPOSE:

The Downtown Kingston Business Improvement Association (BIA) has requested that the City provide complimentary parking at its attended lots on Saturdays and Sundays in December prior to Christmas. The BIA has agreed to share in the opportunity cost (lost revenues) associated with this promotion.

OPTIONS/DISCUSSION:

Offering complimentary parking in the attended lots on weekends prior to Christmas is consistent with the mission of parking services. The Parking Advisory Committee is supportive of this request as they believe this promotion will help retain and enhance the viability of the City core and by supporting local business:

"The City of Kingston provides Parking Services to help retain and enhance the viability of the City core through support of local business, institutions, tourism and community-wide participation in social and cultural activities while ensuring the safety of our residents and visitors."

The estimated net revenue at the attended lots is $1,600 per Saturday and $300 for Sundays, for a total opportunity cost of approximately $5,700.

The BIA has agreed to contribute toward the opportunity cost (loss of revenue to the City) for a total of $2,500. The BIA will spend an additional $2,500 in promoting this incentive.
EXISTING POLICY/BY-LAW:
N/A

LINK TO STRATEGIC PLAN:
N/A

FINANCIAL CONSIDERATIONS:
Approximate opportunity cost (loss in revenue) of $5,700, partially offset by BIA contribution of $2,500, for a net opportunity cost of $3,200.

CONTACTS:
Paula Nichols, Manager, Parking Services, 546-4291, ext. 1279
Nick Waterfield, Chair, Downtown Kingston BIA, 544-7790
Doug Ritchie, Managing Director, Downtown Kingston BIA, 542-8677

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
N/A

NOTICE PROVISIONS:
N/A

APPENDICES:
N/A

Mark Segsworth, Commissioner, Operations

Bert Meunier
Chief Administrative Officer