TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Planning & Development Services
PREPARED BY: Trudy Gravel, Development Planner, Development Approvals
DATE OF MEETING: March 2, 2004
SUBJECT: Application To Lift Holding ‘-H’ Symbol
Phase 2, Stage 1, “Lyndenwood Subdivision” (J.A. Pye (Ontario) Ltd.)
Augusta Drive, Chadwick Street and Anderson Drive in Kingston West;
Part Lot 14, Concession 3, Geographically Township of Kingston
Our File No. D28-55-03

RECOMMENDATION TO COUNCIL:

WHEREAS J.A. Pye (Ontario) Ltd., the owners of the property, submitted an application requesting that the ‘-H’ Holding Symbol be lifted from the property known as the Phase 2, Stage 1, “Lyndenwood Subdivision” on property located on Augusta Drive, Chadwick Street and Anderson Drive, also described as Part of Lot 14, Concession 3, in the geographic area of the Former Township of Kingston; and

WHEREAS the ‘-H’ Holding provisions were to remain in place until all applicable Municipal and agency requirements have been complied with and all necessary Agreements have been executed; and

WHEREAS the Owner (J.A. Pye (Ontario) Ltd.) has complied with the conditions for the removal of the ‘-H’ Holding Symbol as follows:

- all necessary Agency clearance letters have been submitted to the Municipality;
- confirmation of adequate sewage capacity to service the proposed Subdivision has been received from Utilities Kingston;
- all Municipal requirements are contained within the Subdivision Agreement and are shown on the approved engineering plans;
- the Subdivision Agreement has been executed by the Owner and returned to the Municipality for registration together with the required final plans and financial security; and,
RECOMMENDATION TO COUNCIL (Cont’d):

- the Owner has submitted, for the Municipality’s consideration, the appropriate application for an amendment to the Zoning By-Law to remove the ‘-H’ Holding Symbol:

THEREFORE BE IT RESOLVED that it be recommended to the Council of The Corporation of the City of Kingston as follows:

1. That the Cataraqui North Zoning By-Law No. 97-102 and By-Law No. 97-116 of the former Township of Kingston, as amended, be further amended by removing the ‘-H’ Holding Symbol for the lands described as Lots 23 to 30 on Augusta Drive, Lots 3 to 22 on Chadwick Street, and Lots 1 and 2 on Anderson Drive and Block 45, located to the east and west of Langfield Street, north of Princess, so as to rezone the subject lands from ‘MDR*1-H’ Medium Density Residential, ‘MDR*2-H’ Medium Density Residential, ‘LDR-H’ Low Density Residential and ‘OS1-H’ Open Space, which lands are shown as “Lands subject to H Removal” on Schedule “A” attached hereto.

A Draft of the Amending Zoning By-Law is appended to this report for Council’s review and consideration (Appendix No. 1).

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

ORIGIN/PURPOSE:

This matter originates in an application, submitted by Lorelei Jones & Associates, on behalf of the owners of the property (J.A. Pye (Ontario) Ltd., for removal of an ‘-H’ Holding Symbol from the property located in the Phase 2, Stage 1, “Lyndenwood Subdivision,” Part Lot 14, Concession 3 in the geographic area of the Former Township of Kingston. The purpose of this report is to assess the merits of the request and to make a recommendation to City Council respecting removal of the ‘-H’ Holding Symbol.

OPTIONS/DISCUSSION:

(a) Site Location and Description:

The subject lands are located in the area known as the Lyndenwood Subdivision, Stage 1 of Phase 2, comprising of Lots 23 to 30 on Augusta Drive, Lots 3 to 22 on Chadwick Street and Lots 1 and 2 on Anderson Drive and Block 45, are located east of Langfield Street (see attached map). The subject lands are designated as Residential in the Cataraqui North Neighbourhood in the Official Plan and are zoned ‘MDR*1-H’ Medium Density Residential, ‘MDR*2-H’ Medium Density Residential, ‘LDR-H’ Low Density Residential and ‘OS1-H’ Open Space in the Cataraqui North Zoning By-Law No. 97-102.

Land use in the surrounding area is predominantly residential. The area to the west comprises newer, single family residential development. To the north, are vacant lands which comprise the Cataraqui North Neighbourhood. To the east exists residential homes that front onto Sydenham Road.
OPTIONS/DISCUSSION (Cont'd):

(b) **Background:**
Draft Plan Approval for this subdivision was issued by the City of Kingston on July 29, 2003, City of Kingston File No. D12-63-02. The Draft Plan Approval contains a total of twenty-six (26) conditions. These conditions include the Municipality’s standard conditions respecting the dedication and naming of roads, fencing, lighting, sidewalks, parkland conveyance and development, phasing, the use and removal of Holding provisions, installation of services and drainage. The Plan and Subdivision Agreement have been executed by the applicant and are pending registration.

Zoning By-Law No. 97-102 (Cataraqui North Zoning By-Law), passed by the Council of the former Township of Kingston on November 4th, 1997, zoned the subject lands of the subject property to the ‘MDR*1-H’ Medium Density Residential, ‘MDR*2-H’ Medium Density Residential, ‘LDR-H Low Density Residential and ‘OS1-H’ Open Space. By-Law No. 97-116, passed by the Council of the former Township of Kingston on November 7th, 1997, added the ‘-H’ Holding Symbol to the subject lands to ensure that certain requirements are met before development occurs.

(c) **Procedural Information:**
Zoning By-Laws to remove ‘-H’ Holding Symbols are typically technical in nature as the planning issues related to the use of the ‘-H’ Symbol and the conditions for its removal have been established as part of the initial rezoning process. Also, any technical issues and required clearance letters are generally addressed through the review and approval of the final engineering plans and the conditions established by Council and contained within the Subdivision Agreement. Pursuant to Council’s adopted procedures (Clause 5, Report No. 7, Meeting No. 2, held on 1998-12-5), reports dealing with applications for removal of an ‘-H’ Symbol 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 conditions for such removal have already been clearly established by the Planning Committee and 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 Owner is requesting that the ‘-H’ Holding Symbol be removed from the property located in the Phase 2, Stage 1, of the “Lyndenwood Subdivision” to permit the development of 37 lots in the residential subdivision.

The conditions for removal of the ‘-H’ Holding Symbol have been fulfilled by the Owner as follows:

1. All necessary Agency and/or Municipal clearance letters for the subdivision have been received.
OPTIONS / DISCUSSION (Cont’d):

(d) Analysis (Cont’d):

2. Confirmation has been received from Utilities Kingston that there is sufficient sewage capacity to service the proposed Subdivision.

3. The Subdivision Agreement has been executed by the Owner and returned to the Municipality for registration at the same time as the Final Subdivision Plan. The Owner has submitted the necessary financial securities, certificate of insurance and Final Plans required by the Subdivision Agreement. All Municipal and Agency requirements are contained within the conditions comprising the Subdivision Agreement or are detailed on the approved engineering plans appended to the Agreement.

5. The Owner has submitted the appropriate application to amend By-Law No. 97-102 (Cataraqui North Zoning By-Law) so as to remove the ‘-H’ Symbol for the subject lands. This amendment has been processed in accordance with the Notice Regulations of the Planning Act.

(e) Conclusion:
The intent of the ‘-H’ Holding Symbol on the subject property was to restrict development until such time as all necessary Municipal and agency requirements have been fulfilled and all necessary agreements had been registered on title. Based on the foregoing analysis, it would appear that the Owner is now in a position to fulfill the requirements for the removal of the ‘-H’ Holding Symbol. Therefore, it would now be appropriate that it be recommended to City Council that the Zoning By-Law be amended to remove the ‘-H’ Holding Symbol for the subject property only as it pertains to the development of the 35 lots in the residential subdivision for the lands located in the Phase 2, Stage 1, “Lyndenwood Subdivision” located within Augusta Drive, Chadwick Street and Anderson Drive.

EXISTING POLICY/BY-LAW:
The property is designated as Residential in the Official Plan for the former Township of Kingston and is Zoned “‘MDR*1-H’ Medium Density Residential, ‘MDR*2-H’ Medium Density Residential, ‘LDR-H Low Density Residential and ‘OS1-H’ Open Space”. The proposed use for the property complies with the policies of both the Official Plan and Zoning By-Law.

LINK TO STRATEGIC PLAN:
The Strategic Plan supports and promotes responsible new development that can better the lives of the citizens of Kingston.
FINANCIAL CONSIDERATIONS:

None.

CONTACTS:

Further information with respect to this application and the contents of this Report can be obtained by contacting:

- George T. Wallace, Supervisor, Development Approvals (384-1770, ext. 3252); or
- Bianca Bielski, Manager, Planning Division (384-1770, ext. 3250).

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

The request for removal of the ‘-H’ Symbol was circulated to the following Departments, all of which confirmed no objection to the approval of the Application:

- Building and By-Law Division;
- Utilities Kingston;
- Cultural Services;
- Fire & Rescue;
- Engineering Division; and
- Cataraqui Region Conservation Authority.

NOTICE PROVISIONS:

This amendment has been processed in accordance with the Notice Regulations of the Planning Act. These regulations require that a Notice of Council’s intent to pass an amending By-Law to remove an ‘-H’ Symbol be provided by an advertisement in a newspaper with sufficiently general circulation or by first class mail to the Owner and any person or agency specifically requesting such notice. In this instance, Notice was provided by first class mail to the Owner.

APPENDICES:

The following Appendices are attached to and form part of this report:

Appendix No. 1 - Draft By-Law
Appendix No. 2 - General Subdivision Plan
REPORT TO CITY COUNCIL
'H' Removal – Phase 2, Stage 1, "Lyndenwood Subdivision"
(File No. D28-55-03)

Report No. 04-099
- Page 6 -

Perry Willing,
Acting Commissioner, Planning and Development Services

Bert Meunier
Chief Administrative Officer
THE CORPORATION
OF THE
CITY OF KINGSTON

DRAFT ZONING BY-LAW TO
AMEND BY-LAW NO. 97-102, AS AMENDED BY BY-LAW NO. 97-116,
of the former Township of Kingston

J.A. PYE (ONTARIO) LTD.
LYNDEWOOD SUBDIVISION

Located on Augusta Drive, Chadwick Street and Anderson Drive

File No. D28-55-03
Drafted: February, 2004
THE CORPORATION OF THE CITY OF KINGSTON

BY-LAW NO. 2004-___

A BY-LAW TO AMEND BY-LAW NO. 97-102, CATARAQUI NORTH ZONING BY-LAW, AS AMENDED BY BY-LAW NO. 97-116, TO REMOVE THE ‘-H’ HOLDING SYMBOL RELATED TO THE ‘MDR*1-H’ Medium Density Residential, ‘MDR*2-H’ Medium Density Residential, ‘LDR-H Low Density Residential and ‘OS1-H’ Open Space (Phase 2, Stage 1, in the ‘Lyndenwood Subdivision’ (J.A. Pye (Ontario) Ltd.), Lots 23 to 30 inclusive, Augusta Drive; 3 to 22 inclusive Chadwick Street; and Lots 1 and 2, Anderson Drive; Part Lot 14, Concession 3, Geographically in the former Township of Kingston).

PASSED: __________________, 2004

WHEREAS By-Law No. 97-102, established the zoning for the Cataraqui North Neighbourhood and zoned the subject lands as ‘‘MDR*1 Medium Density Residential, ‘MDR*2’ Medium Density Residential, ‘LDR Low Density Residential and ‘OS1’ Open Space;


WHEREAS the Owner of the Lyndenwood Subdivision (J.A. Pye (Ontario) Ltd.), is requesting that the ‘-H’ Holding Symbol be lifted from the proposed Subdivision, and have submitted an application to amend By-Law No. 97-116, so as to remove the ‘-H’ Holding Symbol from Lots 23 to 30 on Augusta, Lots 3 to 22 on Chadwick Street, and Lots 1 and 2 on Anderson Drive inclusive of a Draft Plan of Subdivision located in Part of Lot 14 Concession 3 of the Geographic Township of Kingston; and

WHEREAS the Owner has complied with the conditions for the removal of the ‘-H’ Symbol as follows:

- all necessary Agency clearance letters for the subdivision have been submitted to the Municipality;
- confirmation has been received of adequate sewage capacity to service the proposed Subdivision;
- all Municipal requirements are contained within the Subdivision Agreement and are shown on the approved engineering plans;
- the Subdivision Agreement for the “Westwood Meadows” Subdivision has been executed by the Owner and returned to the Municipality for registration together with the required financial security; and
- the Owner has submitted, for the Municipality’s consideration, the appropriate application for an amendment to the Zoning By-Law to remove the ‘H’ Symbol:
WHEREAS the Council of The Corporation of the City of Kingston now deems it advisable to amend Zoning By-Law No. 97-102, so as to remove the said ‘-H’ Holding Symbol from the property located on Augusta Drive, Chadwick Street and Anderson Drive, and allow the development of the subject lands for 35 lots within the subdivision:

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

1. That the lands described as “Lands subject to ‘-H’ Removal” and shown on Schedule “A” attached hereto are the lands affected by this By-Law.

2. That Schedule “A” to Zoning By-Law No. 97-116, as amended, be further amended by removing the ‘-H’ Holding Symbol for the lands described as Phase 2, Stage 1, “Lyndenwood Subdivision” on property located on Augusta Drive, Chadwick Street and Anderson Drive, so as to rezone the subject lands from ‘MDR*1-H to MDR*1’ Medium Density Residential, ‘MDR*2-H to MDR*2’ Medium Density Residential, ‘LDR-H to LDR Low Density Residential and ‘OS1-H to OS1’ Open Space which lands are shown as “Lands subject to H Removal” on Schedule “A” attached hereto.

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 _______, 2004.

Mayor, Harvey Rosen

City Clerk, Carolyn Downs
The Corporation of the City of Kingston

Schedule 'A'

to By-law No.

Applicant: JA PYE (ONTARIO) LTD.
File No.: D28-55-03
Address: AUGUSTA DR & CHADWICK DR
N/A
Lot/Conc.: CONCESSION 1 LOT 14
Roll No.: 101106019005000

Planning Division
a division of Planning & Development Services

Legend:

Zone Change from OS1-H to OS1
Zone Change from MDR*1-H to MDR*1
Zone Change from LDR-H to LDR
Zone Change from MDR*2-H to MDR*2

Certificate of Authentication
This is Schedule 'A' to By-law No. passed this ___________ day of ___________ 20___.

Date: October 21, 2003
Prepared by: L. Paquin K:\D14_JHDR\2003\D28-55-03a.dwg

Mayor

Clerk
The Corporation of the City of Kingston

Key Map to By-law No

Applicant: JA PYE (ONTARIO) LTD.
File No.: D28-183-03
Address: AGUSTA DR & CHADWICK DR
Plan No.: N/A
Lot/Conc.: CONCESSION 1 LOT 14
Roll No.: 10110801900500

Legend:

- Area Affected by this By-law

Scale: 0 200 400 600 800 m

This map is not to be used for precise scaling.

Date: October 21/03
Prepared by: L. Paquin