REPORT NO. 60 OF THE PLANNING COMMITTEE

Report No. 60

To the Mayor and Members of Council:
The Planning Committee reports and recommends as follows:

1. **WHEREAS** a request has been submitted by Homestead Land Holdings Ltd to exchange lands (specifically Part 1 of Reference Plan 13R17303, owned by Homestead for lands, for Part 2 of 13R17303 located in Part of Plan of Subdivision 1932 Barrett Court, owned by the City of Kingston) in order to relocate a pathway, and;

**WHEREAS** the lands are appropriately zoned for the intended uses;

**THEREFORE BE IT RESOLVED THAT** the lands be exchanged with Homestead Land Holding Limited, **BE APPROVED**;

--and further--

**BE IT RESOLVED THAT** Legal Services review the required documents to ensure that the interest of the City are addressed and that a new pathway, with a fence along the property boundary with neighbours, be constructed prior to the removal of the existing pathway or alternatively that Homestead enter into an agreement with City for the construction of the new pathway; final details may be approved by the Manager of Planning or the Director of Legal Services.

2. **WHEREAS** an application was submitted to the City of Kingston by Jerome Taylor, the owner of the property located on the north side of Princess Street within the Cataraqui North Neighbourhood, Parts of Lots 12 and 13, Concession 3 in the former Township of Kingston, City of Kingston, requesting approval for Draft Plan of Subdivision to divide the lands into 97 single detached lots, 1 school block, 1 park block, 1 storm water management pond and 3 commercial blocks. The proposed draft plan of subdivision includes the extension of Centennial Drive and Cataraqui Woods Drive and the construction of 3 local roads. A concurrent Zoning By-Law Amendment application has been submitted to permit residential, commercial and open space development on the subject lands;

**WHEREAS** the statutory Public Hearing was held on March 11, 2004;

**THEREFORE BE IT RESOLVED THAT** the application for Draft Plan of Subdivision (Our File No. D12-85-03) submitted by Jerome Taylor, for the property located at Parts of Lots 12 and 13, Concession 3, **BE APPROVED**, subject to the following conditions:

(a) That this approval applies to the Draft Plan of Subdivision, prepared by Grange W. Elliot Ltd. O.L.S., dated October 23, 2003, revised November 19, 2003 which shows the following:

(i) 97 residential lots
(ii) 4 commercial blocks
(iii) 1 open space block
(iv) 3 new local roads
(v) extension of Centennial Drive and Cataraqui Woods Drive

(b) That the road allowances included in this Draft Plan shall be shown and dedicated as public highways.
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(c) That prior to Final Plan approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed dwelling units by the Municipality’s Planning Division.

(d) That the Streets shall be named to the satisfaction of the Municipality.

(e) That any dead ends and open sides of the road allowance created by this Draft Plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the Municipality. In addition, 0.3 metre reserve blocks will be required at the following locations:

(i) the east side of the Centennial drive extension where it abuts the residential lots
(ii) the south side of Lots 5 and 97
(iii) the west side of Lot 75

(f) That the intersection of Centennial Drive and Cataraqui Woods Drive be designed to suit the traffic needs as identified through the design/approval process.

(g) That a right-of-way cross section is required for the intersection of Cataraqui Woods Drive and Centennial Drive illustrating the proposed lane layout.

(h) That the lots fronting on Crossfield Avenue cannot be developed until the works are constructed on Crossfield Avenue. The Owner/Subdivider shall ensure that the design of the works for Crossfield Avenue permit the servicing of the four lots proposed on the street and will enter into a cost sharing agreement for the construction of Crossfield Avenue from the easterly limit of the Draft Plan of subdivision to its westerly limit abutting Crossfield Avenue (217 metres).

(i) That Engineering drawings certified by a Professional Engineer and designed to the Municipality’s Subdivision Design Guidelines will be required.

(j) That prior to final approval the Owner/Subdivider will submit a Landscape Plan stamped by a Landscape Architect and prepared to the satisfaction of the City of Kingston.

(k) That prior to final approval the Owner/Subdivider will submit a Traffic Study prepared to the satisfaction of the City of Kingston.

(l) That prior to final approval the Owner/Subdivider will submit a detailed Noise Impact Study prepared to the satisfaction of the City of Kingston.

(m) That the Owner/Subdivider enter into a Subdivision Agreement with the City for construction of the works.

(n) That, if the lands to the east are not developed first, a temporary secondary access may be required for the cul-de-sac.

(o) That if Block 108 is developed as residential, then the Owner/Subdivider will provide access to proposed residential development to the satisfaction of the City of Kingston.
(p) That as a condition of final approval the Owner will construct a fence to the satisfaction of the Manager of Engineering and the Manager of Planning along all residential lot lines abutting lands identified as commercial on the proposed Draft Plan of Subdivision.

(q) That prior to registration engineering drawings certified by a Professional Engineer and designed pursuant to the City of Kingston’s Subdivision Design Guidelines will be required for review and approval by the Engineering Division.

(r) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.

(s) That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services, including: fencing, lighting, landscaping, sidewalks, roads and the installation of services and drainage.

(t) That the Owner conveys up to 5% residential and up to 2% commercial of the land included in the plan of subdivision to the Municipality for park or other public recreational purposes. Where the subdivision exceeds 15 units per residential hectare of land, the Owner shall convey lands for recreational purposes at a rate of one hectare (2.5 acres) for each 300 dwelling units. Alternatively, the Municipality may require cash-in-lieu of all or a portion of the conveyance.

(u) That the Owner/Subdivider shall submit a preliminary tree preservation plan, by a licensed arborist, to identify any mature trees or stands of trees which can be saved and protected as part of the development of the subdivision. The plans shall:

(i) identify individual trees of 150 mm caliper or greater
(ii) identify groups of trees of a common species generally having a caliper of less than 150mm
(iii) identify groups of mixed species of predominately 150 mm caliper or greater
(iv) indicate the type, caliper and location of any specimen trees to be preserved and indicate the method/treatment of preservation

(v) Parkland Conveyance:

(i) That the Owner/Subdivider shall deed to the City of Kingston parkland described as Block 107, 0.55 ha in size on the draft plan of subdivision
(ii) That prior to final approval, the Owner/Subdivider shall meet with the Parks & Open Space Planning Coordinator to ascertain the Cultural Services requirements the development of the park
(iii) The Owner/Subdivider will be responsible for the preparation of the park plan as follows:

- a comprehensive park plan executed by a Landscape Architectural firm, in consultation with Parks and Open Space Planning Coordinator which shall set out the overall development of the site including any water courses, ditches, foundations, trees and specimen trees, major grade changes, rock outcrops or special features to be retained; and, that a grading and drainage plan, which should include the provision of water/electrical services to the property line.

REPORTS (CONTINUED)
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(w) That should the Limestone District School Board not proceed with the construction of the school on Block 108 the Owner/Subdivider will convey a block of land at the north/east corner of Block 108 for an open space
connection to the proposed park on the abutting lands to the east. This block of land shall be to the satisfaction of the Manager of Cultural Services.

(x) That a provision be made for the Subdivision Agreement between the Owner/Subdivider and the Municipality to be registered against the lands to which it applies once the plan of subdivision has been registered.

(y) That the Owner/Subdivider shall enter into the Municipality’s standard subdivision agreement which shall list all approved plans and municipal conditions as required by the City of Kingston for the development of Cataraqui North (Jerome Taylor).

(z) That prior to final approval, the Owner/Subdivider shall, in consultation with and to the satisfaction of Canada Post, identify the location of community mailboxes within the plan, and shall identify such locations on drawings for approval by the Municipality. The locations of these community mailboxes shall be identified in the notice to future purchasers of the lots within the subdivision.

(aa) That prior to final approval the Owner/Subdivider shall, in consultation with and to the satisfaction of the City of Kingston, provide detailed design plans for the community mailboxes including a landscape plan showing street furniture and complimentary architectural features.

(bb) That any further subdivision of Blocks or additional road patterns on the plan shall be completed to the satisfaction of the Municipality.

(cc) That prior to final approval, the Owner shall submit lot grading, drainage, and erosion and sediment control plans, prepared by a qualified Professional Engineer, to the satisfaction of the City of Kingston and the Cataraqui Region Conservation Authority (CRCA), which plans shall be appended to the Subdivision Agreement between the Owner and the Municipality. These plans shall ensure that adequate measures shall be employed to control erosion and sedimentation.

(dd) That prior to final approval, the Owner shall provide a storm water management report certified by a Professional Engineer and to the satisfaction of the City of Kingston and the Cataraqui Region Conservation Authority. The report shall address the recommendations contained in the Weslake Report, entitled “Class Environmental Assessment for Master Drainage Plan for the Outlet B Tributary Area of the Cataraqui North Neighbourhood City of Kingston”. The report shall address both quality and quantity control. The recommendations of the Report shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Report recommendations, to the satisfaction of the Municipality.

(ee) That prior to the commencement of construction, any temporary construction access shall be approved by the City of Kingston, Manager of Engineering.

REPORTS (CONTINUED)

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(ff) That prior to the final approval of the Plan, the Owner shall provide a site specific Geotechnical Study certified by a Professional Engineer and to the satisfaction of the City of Kingston. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall
contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

(gg) That prior to the final approval of the plan, the Owner/Subdivider shall provide a Servicing Study which will confirm that capacity exists in the existing infrastructure for water, sanitary and storm sewer systems for the residential lots to be serviced. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

(hh) That the Owner shall meet the following conditions of Bell Canada:

(i) that the Owner/Subdivider shall agree in the Subdivision 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/Subdivider 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.

(ii) That the Owner/Subdivider shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource requirements.

(jj) That in the event that human remains are encountered during construction, the proponent shall immediately contact the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations (416) 326-8392.

(kk) That when requesting Final Approval from the Municipality, 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 in frontage and area to the requirements of the Zoning By-Law.

(ll) That prior to Final Approval by the Municipality, the City of Kingston is to be advised in writing by the Cataraqui Region Conservation Authority, the method by which Conditions 29 and 30 have been satisfied.

(mm) That appropriate wording is included in the Subdivision Agreement to require that any correspondence related to blasting activities/claims for damages received by the Owner/Subdivider or his contractors and any responses to that correspondence be copied to the Planning Division of the City of Kingston.

(nn) That appropriate wording is included in the Subdivision Agreement to provide for a notification radius for blasting operations of 120 metres.

REPORTS (CONTINUED)
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(oo) That Lots 67 & 68 will not be issued Building Permits without a turnaround or through access to the east, to the satisfaction of the City.

(pp) That the north-south street labeled as Stormwater Easement, extending south to Crossfield Avenue, will require a temporary turnaround should this street be constructed prior the completion of Crossfield Avenue.
Typically, streets shall not terminate in dead ends longer than 150 metres. Lots to the south of the turnaround will not be issued Building Permits until all servicing is completed and through access to the south is available.

(qq) That the Development of all lands in the Draft Plan is contingent on the completion of services required for connection on the abutting lands.

(rr) That prior to the stamping of the Draft Plan of Subdivision drawings the Owner/Subdivider amend the drawing to by merging Blocks 102 and 103, changing block numbering and label the 3 proposed local streets (Street “A”, Street “B” and Street “C”).

–and further–

BE IT RESOLVED THAT the application for Zoning By-Law Amendment (Our File No. D14-236-03) submitted by Jerome Taylor for the lands located at Parts of Lots 12 & 13, Concession 3, BE APPROVED;

–and further–

BE IT RESOLVED THAT the following changes be incorporated into the Zoning By-Law No. 97-102:

(a) Zoning By-Law No. 97-102 (Cataraqui North Zoning By-Law), former Township of Kingston, be amended as follows:

(i) Amend Schedule “A”, Zone Map Number 3 of Zoning By-Law No. 76-26, former Township of Kingston, as amended, to delete the “D” Zone and “EPA” Zone applied to approximately 10.2 hectares of land located at Parts of Lot 12 & 13, Concession 3.

(ii) Amend the Zoning Map, Cataraqui North Neighbourhood, Zoning By-Law No. 97-102, former Township of Kingston, by changing the zone from Development “D” Zone, Zoning By-Law No. 76-26 to a Holding Special Mixed Use “MU1*2-H” Zone, Holding Special Low Density Residential “LDR-1*2-H” Zone to an Open Space “OS1” Zone and Environmental Protection Area “EPA” Zone and Development “D” Zone to an Open Space “OS1” Zone, as defined in Zoning By-Law No. 97-102, as amended, for the lands shown as “Zone Change from “D” to MU1*2-H’ Zone”, “Zone Change from ‘LDR-1*2-H’ to ‘OS1’ Zone” and “Zone Change from “EPA” and “D” to “OS1” Zone” on Zoning Map, Cataraqui North Neighbourhood.

(iii) Apply the Holding Symbol “-H” to the Special Mixed Use “MU1*2” Zone as indicated on Zoning Map, Cataraqui North Neighbourhood until the (H) can be removed in accordance with the policies of the Official Plan.

(iv) Amend Section 7, Exceptions, Zoning BY-Law No. 97-102, former Township of Kingston to include:

1) 7.8 MU1*2-H (Jerome Taylor, Parts of Lots 12 & 13, Concession 3)
Notwithstanding any provisions of this By-Law to the contrary, the lands designated “MU1*2-H” shall be used and developed in accordance with the following additional provisions:

REPORTS (CONTINUED)
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(1) Prohibited Uses:
Notwithstanding the provisions of Table A2, Retail and Mixed – Use Zones, apartment buildings, multiple dwellings and home occupations shall be a prohibited use on the lands zoned “MU1*2.”

2) Zoning By-Law No. 76-26, former Township of Kingston be amended as follows:
(i) Amend Map No.3 to Schedule “A” of By-Law No. 76-26 by changing to “MU1*2-H” of By-Law No. 97-102 (Cataraca North Zoning By-Law) the zone symbol of the approximately 9.5 hectare site located at Parts of Lots 12 & 13, Concession 3, and shown as “Zone change from ‘D’ to “MU1*2-H”.

–and further–

BE IT RESOLVED THAT the by-laws be presented for three readings.
(See By-Law No. (51), 2004-181; By-Law No. (52), 2004-182)

3. WHEREAS applications for Official Plan and Zoning By-Law Amendments have been submitted by First Pro Shopping Centres to permit the construction of a department store retail use to be operated by Wal-Mart Canada Ltd. on a 6.37 hectares site located at 1130 Midland Avenue, and;

WHEREAS a Public Meeting was held on March 11, 2004 with respect to this matter and no further Public Meetings are required;

THEREFORE BE IT RESOLVED THAT the applications for Official Plan and Zoning By-Law Amendments (File Numbers D09-001-2004 and D14-001-2004) submitted by First Pro Shopping Centres for the property located at 1130 Midland Avenue (Part Lot 10, Concession 3) in the former Township of Kingston BE APPROVED;

–and further–

BE IT RESOLVED THAT the Official Plan for the former Township of Kingston be amended as follows:

(i) That Map 1 to Schedule “A”, as amended, be further amended by changing the designation symbol to “Commercial” of the lands shown as “Official Plan Amendment Change from ‘General Industrial’ to ‘Commercial’” on Schedule “A”;

(ii) That Schedule “C” “Special Policy Treatment Areas”, as amended, be further amended by extending “Core Area Boundary” to the area shown as “Extension of the ‘Core Area Boundary”’ on Schedule “B”;

(iii) That Schedule “C” “Special Policy Treatment Areas”, as amended, be further amended by changing the designation symbol to “The Loop” of the lands shown as “Change to ‘The Loop’” on Schedule “B”;

–and further–

BE IT RESOLVED THAT Zoning By-Law No. 76-26 – Township of Kingston Zoning By-Law, be amended as follows:

(1) That Map No. 3 of Schedule ‘A’ of Zoning By-Law No. 76-26, is hereby further amended by changing the zone symbol to “C5-11” for the lands shown as “Zone Change from ‘D to C5-11-H and C7-H to C5-11-H’”;

(2) That the following clause (l) be added Section 22(3) following clause (k):

“(l) C5-11 Wal-Mart Midland Avenue
Notwithstanding Section 22(1)(b), Section 22(2)(h) and Subsection 5(16)(l) of this By-Law 76-26 to the contrary, the lands designated ‘C5-11’ shall be subject to the following provisions:

REPORTS (CONTINUED)
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i) Notwithstanding Section 22(1)(b) to the contrary the following uses are also permitted: an “automotive centre” accessory to and contained within the same building as a “retail store” and a “restaurant, freestanding.”

(ii) Notwithstanding Section 22(2)(h) LOT COVERAGE (maximum) to the contrary the Lot Coverage (maximum) shall be 25%.

(iii) Notwithstanding any provisions of Subsection 5(16)(l) Parking Space Dimensions, Schedule ‘C’ to the contrary, the following dimensions shall apply:
(1) A parking stall with a 90° Parking Angle shall have a minimum Stall Length (dimension ‘C’) of 6.1 metres;

(2) An Aisle Width (dimension ‘D’) shall be a minimum of 6.1 metres on which two-way traffic shall be allowed.

(iv) A Loading Door and/or Garage Door shall not face front lot line unless fully screened in accordance with a Site Plan approved by the City of Kingston. Loading Door is defined as a door to allow the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials; and a Garage Door is defined as a door for the primary function of allowing automobiles into a building.”

—-and further—

BE IT RESOLVED THAT the by-laws be presented for three readings.
(See By-Law No. (53), 2004-183; By-Law No. (54), 2004-184)

4. WHEREAS the City of Kingston is one of the oldest cities in Canada that has inherited pollution from a less environmentally friendly era of industrial development, and;

WHEREAS there are a number of sites where industrial pollution prevents development under today’s standards for development, and;

WHEREAS the City of Kingston has completed an urban planning study that advocates minimizing infrastructure costs by creating an Official Plan that permits intensification and infill, and;

WHEREAS the City of Kingston wishes to comply with the Provincial Policy statement that promotes Smart Growth initiatives, and;

WHEREAS the Brownfields Statute Law Amendment Act was passed to provide municipalities with the necessary tools to attract developers to these abandoned sites, and;

WHEREAS the Province has not proclaimed all the enabling regulations to support the enactment of the various Acts amended by the Brownfields Statute Law Amendment Act, and;

WHEREAS, as a result, the City of Kingston is unable to implement our Brownfields strategy;

THEREFORE BE IT RESOLVED THAT the Mayor, on behalf of City Council and the Planning Committee, write a letter to the Premier and the Honourable John Gerretson, Provincial Member of Parliament and the Minister of Municipal Affairs, to urge him to accelerate the completion and approval of all regulations required to implement a Brownfields program here in the City of Kingston.
BY-LAWS

(D) That By-Laws (51) through (54) be given their first and second reading.

(E) That By-Laws (51) through (54) be given their third reading.

(51) A By-Law To Amend By-Law No. 76-26 Of The Corporation Of The City Of Kingston As It Applies To Change The Zone From ‘D’ To ‘MUI*2-H’ And ‘EPA’ And ‘D’ To ‘OSI’ Of By-Law No. 97-102, Parts Of Lots 12 And 13, Concession 3, Former Township Of Kingston, Now The City Of Kingston, County Of Frontenac, Kinston West.
THREE READINGS PROPOSED NO. 2004-181
(Clause (2), Report No. 60)

(52) A By-Law To Amend By-Law No. 97-102 Of The Corporation Of The City Of Kingston As It Applies To Change The Zone From ‘D’ To ‘MUI*2-H’ Zone, ‘Zone Change From ‘LDR-1*2-H’ To ‘OSI’ Zone” And ‘Zone Change From ‘EPA’ And ‘D’ To ‘OSI’ Zone” Of By-Law No. 97-102, Parts Of Lots 12 And 13, Concession 3, Former Township Of Kingston, Now The City Of Kingston, County Of Frontenac, Kingston West And ‘EPA’ And ‘D’ To ‘OSI’ Of By-Law No. 97-102, Parts Of Lots 12 And 13, Concession 3, Former Township Of Kingston, Now The City Of Kingston, County Of Frontenac, Kinston West.
THREE READINGS PROPOSED NO. 2004-182
(Clause (2), Report No. 60)

THREE READINGS PROPOSED NO. 2004-183
(Clause (3), Report No. 60)

(54) A By-Law To Amend By-Law No. 76-26 “Zoning By-Law” Of The Former Township Of Kingston – To Change The Zone On Approximately 6.27 Hectares Of Land From Development (D) Zone And Industrial Commercial (C7) Zone To Site Specific General Shopping Centre Commercial (C5-11) Zone-First Pro Shopping Centres For Wal-Mart.
THREE READINGS PROPOSED NO. 2004-184
(Clause (3), Report No. 60)