TO: Bert Meunier, Chief Administrative Officer  
FROM: Terry Willing, Acting Commissioner, Planning and Development Services  
PREPARED BY: Peter Huigenbos, Development Supervisor, Engineering Division  
DATE OF MEETING: August 17, 2004  
SUBJECT: ACCESS AGREEMENT TO FACILITATE REPAIRS TO THE KINGSTON MILLS DAMS BY PARKS CANADA

RECOMMENDATION TO COUNCIL:

Whereas the Kingston Mills Dams, owned and operated by Parks Canada, do not meet the modern standards set forth in the Canadian Dam Safety Guidelines, and

Whereas Parks Canada requires temporary vehicular access over City-owned lands (Block 47 on 13M-35) to facilitate the necessary repairs to Kingston Mills Dams,

Therefore be it resolved that Council hereby authorizes the Mayor and Clerk to sign an agreement with “Her Majesty the Queen in Right of Canada, as represented by the Minister of Environment, as the Minister of Parks Canada Agency, Rideau Canal” in a form as attached and satisfactory to the Legal Services Division.

ORIGIN/PURPOSE:

Parks Canada has begun to implement the Canadian Dam Safety Guidelines published by the Canadian Dam Safety Association. On the Rideau Canal, highest priority for investigation/implementation of the new guidelines was given to dams that have higher safety concerns, dams that have people living nearby. Kingston Mills Dams were considered a top priority and Parks Canada received the final engineering assessment in April 2004.

The final report indicates that the Kingston Mills Dams do not meet the modern standards set forth in the new Guidelines. Parks Canada advises that there is no cause for immediate alarm under normal operation conditions, however extreme weather events or a significant earthquake could cause instability and a possible failure. For this reason, Parks Canada wishes to carry out the necessary repairs and improvements now, before the winter season and Spring 2005.
Attached as Schedule “B” to this report is the “Kingston Mills Dams Fact Sheet” that was handed out this summer by Parks Canada at public meetings with nearby residents of the dam. This provides an overview of the history and current condition of dams, and Parks Canada’s mitigation program.

OPTIONS/DISCUSSION:

To facilitate the repairs to the dams, Parks Canada requires access to the site through Block 47 on Plan of Subdivision 13M-35, Eden Valley Estates. Block 47 was conveyed to the City for walkway purposes with the registration of the Subdivision Agreement.

The agreement with Parks Canada (see Schedule “A”) includes a condition that upon completion of the works, Block 47 be finished with a fine gravel surface suitable for a walking path, and also that any necessary revegetation be carried out, all to the satisfaction of the Manager of Engineering.

Eden Valley Estates has not been Assumed by the Municipality. The agreement grants Parks Canada use of existing roads within the subdivision, but expressly prohibits the use of any vehicles other than empty construction vehicles.

The agreement requires Parks Canada to keep all streets clean and free of mud and other debris.

EXISTING POLICY/BY-LAW:

N/A

LINK TO STRATEGIC PLAN:

N/A

FINANCIAL CONSIDERATIONS:

None.

CONTACTS:

Speros Kanellos, P.Eng., Manager, Engineering Division, 384-1770 ext. 3133
Peter Huigenbos, Development Supervisor, Engineering Division, 384-1770 ext. 3148

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

Department of Corporate Services, Tony Fleming, Senior Legal Counsel, 546-4291 ext. 1293

NOTICE PROVISIONS:

None required.
APPENDICES:

Schedule “A” Agreement prepared by Legal Services
Schedule “B” “Kingston Mills Dams Fact Sheet”, by Parks Canada
Schedule “C” Map showing location of subject property

Terry Willing
Acting Commissioner, Planning & Development Services

Bert Meunier
Chief Administrative Officer

K:\Public\2004\Reports To Council\04-330 Parks Canada Access Agreement - Kingston Mills Dams.Doc
Kingston Mills Dams

Fact Sheet

Description of the Kingston Mills Dams

The dams owned and operated by Parks Canada at Kingston Mills Locks consist of the concrete water control dam and weirs located near the Kingston Mills Locks and two long earthen dams to the east and west of the central water control dam structure. The east earthen dam, running toward Highway 15 is approximately 600 metres long and the west dam is approximately 800 metres long.

Together, these dams created and maintain the navigable waters of Colonel By Lake. The next upstream dam is at Lower Brewers Mills Locks about 17 kilometres to the north.

History of the Dams

The current configuration of the dams at Kingston Mills was established by Colonel By and Royal Engineers as part of the original construction of the Rideau Canal from 1826 - 1832. While the central water control structures have undergone significant renewal over the years, the earthen dams are essentially the original dams and have undergone very little intervention during their long life.

Parks Canada’s Implementation of the Canadian Dam Safety Guidelines

A few years ago, the Canadian Dam Safety Association published the Canadian Dam Safety Guidelines, which specify standards of engineering, safety criteria and emergency planning requirements for dams in Canada. These guidelines are stringent and deal with normal operating parameters as well as the safety of dam structures under unusual circumstances such as earthquakes and extreme weather events like heavy and prolonged rain.

Parks Canada, as the owner of a significant number of dams, has begun to implement these guidelines by initiating engineering studies and assessments of its dams.

On the Rideau Canal, the highest priority for the investigation of our dams was established for those dams that have higher safety concerns, that is to say, dams that have people living nearby. For this reason, the Kingston Mills Dams were considered a top priority and an initial engineering assessment was conducted over the fall and winter of 2003/2004 by Acres Consulting International. Parks Canada received their final report in April 2004.

Current Condition of the Kingston Mills Dams

The report by Acres Consulting International indicates that there are safety concerns related to the earthen dams at Kingston Mills. The study indicates, in a preliminary manner, that the dam do not meet the modern standards set forth in the Canadian Dam Safety Guidelines.
While there is no cause for immediate alarm under normal operating conditions, the study indicates that extreme weather events or a significant earthquake could cause instability in the dam structures and a possible structural failure.

There are a number of minor leaks in the dams that have been evident for several years. These in themselves do not indicate that the dams are unstable or at risk of failure. Leaks may be caused by a number of factors including holes created by burrowing animals. It is generally known and accepted within the engineering profession that earthen dams leak to some degree.

The report indicates that excessive vegetation on the dams may be a problem because it can mask seepage problems. In addition, should large trees be blown over in a wind storm, their disrupted roots could weaken the structure.

**Parks Canada's Mitigation and Maintenance Program**

In response to the findings of the preliminary report, Parks Canada has enhanced its normal dam monitoring program and has implemented regular daily monitoring at the dams to examine their condition and note any changes. To date no unusual events or changes have been noted. This enhanced monitoring program will continue over the coming months.

Parks Canada has lowered the water level in Colonel By Lake by about 30 cm. below normal to reduce the hydraulic pressure on the dam and to be able to accommodate higher water flows in the event of an extreme weather event. In step with the monitoring program, Parks Canada will manage the water levels as required to meet navigation needs, safety concerns and the upcoming repairs to the dam.

Through an accelerated competitive contract process managed by Public Works and Government Service Canada, Parks Canada has engaged Acres Consulting International to undertake a more detailed engineering study of the dams, including geo-technical investigations, and to provide engineering solutions and designs to mitigate any issues related to stability and safety.

The engineering design work should be completed in June 2004 and Parks Canada plans to undertake repairs to the dam using contractors commencing in the summer of 2004.

**Public Safety and Emergency Response**

The Canadian Dam Safety Guidelines require that dam operators develop an Emergency Preparedness Plan for dams. The Rideau Canal is initiating a planning process for its dams and will be creating a plan for Kingston Mills.

Even though there is no immediate cause for alarm at Kingston Mills, the Rideau Canal is taking steps to work with the City of Kingston Police and Kingston Emergency Measures to establish an Emergency Preparedness Plan that would be available to deal with any problems.
encountered over the next few months during investigation, planning and construction activities, as well as meeting the future needs of this site. Local residents are being asked to provide Parks Canada with basic contact information that can be used in the development of communication and notification activities that are part of the Emergency Preparedness Plan.

Should local residents observe unusual events or changing conditions at or near the dams they should contact the Rideau Canal at 613-283-5170 or in the case of an urgent situation the City
This AGREEMENT made in triplicate this 24th day of August, 2004, 

BETWEEN

The Corporation of the City of Kingston (hereinafter referred to as the Owner)

OF THE FIRST PART

AND

HER MAJESTY THE QUEEN IN RIGHT OF CANADA, as represented by the Minister of Environment, as the Minister for Parks Canada Agency, Rideau Canal (hereinafter referred to as the Rideau Canal)

OF THE SECOND PART

WHEREAS the Rideau Canal has requested the use and occupancy of certain lands and premises owned by the Owner; and the Owner has agreed to grant to the Rideau Canal the use and occupancy of the said lands and premises for the purpose of facilitating repairs to the Rideau Canal in accordance with the terms and conditions outlined herein;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained, the parties hereto agree one with the other as follows:

1. This Agreement sets forth the terms and conditions for the construction of an access path, described as Block 47 on a Plan of Subdivision 13M-35, for the purpose of providing temporary vehicular access to the adjoining property owned by the Rideau Canal. This path will be constructed to accommodate large construction equipment/vehicles for the purpose of carrying out repairs on the Kingston Mills Dam and will be restricted to the limits of Block 47.

2. The Owner hereby grants to the Rideau Canal a licence to use and occupy the lands and premises described as Block 47 of Plan 13M-35 and access Block 47 via existing roads within the subdivision known as Eden Valley Estates, for a period commencing on the day this Agreement is executed by the Rideau Canal and ending upon completion of the construction project. The licence granted by this Agreement to use existing roads within the subdivision is for the movement of empty construction vehicles only. Use of existing roads in the subdivision adjacent to Block 47 for other than empty construction vehicles is expressly prohibited.

3. The Rideau Canal covenants and agrees:

   a) to place temporary fencing along the perimeter of the access site to the satisfaction of the Manager of Engineering of the City of Kingston or his designate;

   b) to comply with all applicable provisions of law, including, without limitation, federal and provincial laws and any municipal by-laws relating to the lands and premises and to the use and occupancy thereof;

   c) to keep all streets used by Rideau Canal and its agents clean and free of mud and other debris during construction, to the satisfaction of the Manager of Engineering of the City of Kingston;
d) to repair all damage caused by Rideau Canal and its agents to existing streets, regardless of whether the damage was negligently caused;

e) to leave the access path in place upon completion of the construction project and finish the surface with a fine gravel suitable for a walking path and to undertake any necessary revegetation, all to the satisfaction of the Manager of Engineering of the City of Kingston.

4. In the event that the parties of this Agreement are unable to resolve any dispute in respect of the conditions, provisions and interpretation thereof within 90 days of notice having been delivered, the matter shall be referred to the Director General, Eastern Canada, for further negotiations. If, within 30 days of referral, the Director General is unable to negotiate a resolution satisfactory to the Manager of Engineering of the City of Kingston, the parties agree to refer the matter in dispute to arbitration, which decision shall be final.

5. No amendment of this agreement shall be effective, unless in writing and signed by both parties.

6. No implied terms or obligations of any kind, by, or on behalf of, Her Majesty shall arise from anything in the Agreement and the express covenants and agreements herein contained and made by Her Majesty are the only covenants and agreements upon which any rights against Her Majesty are to be founded.

7. Her Majesty shall indemnify the Owner from and against all claims, losses, damages, costs, expenses, actions and other proceedings, made, sustained, brought, prosecuted, threatened to be brought or prosecuted, in any manner based upon, occasioned by or attributable to any injury to or death of a person or damage to or loss of property arising from any wilful or negligent act, omission or delay on the part of Her Majesty or Her agents.

8. In the event that either party of this Agreement desires to change or modify any of the terms and/or conditions of this Agreement, then the party so desiring shall serve notice in writing to this effect upon the other party, either personally or by registered mail, and obtain certification of receipt of said notice - the addresses of the parties for the purposes thereof shall be:

Parks Canada Agency, Rideau Canal
34-A Beckwith Street South
Smiths Falls, Ontario
K7A 2A8  Fax: 613-283-0677

The Corporation of the City of Kingston
216 Ontario Street, Kingston, Ont.
K7L 2Z3
Attention Speros Kanellos, Manager of Engineering
Fax: (613) 384-7105

or to such other address as either party may from time to time designate for notice to the other party by notice in writing to the other party.

9. This Agreement may be terminated by either party giving to the other party 90 days notice, in writing, of the party’s intention to terminate at the date specified in the notice.

10. This Agreement may be executed in any number of counterparts with the same effect as if all parties hereto had all signed the same document. All counterparts shall be construed together and shall constitute one and the same original agreement. Rideau Canal
acknowledges and agrees that this Agreement and its obligations hereunder shall commence and be effective as of the date Rideau Canal executes this Agreement, notwithstanding the date on which this Agreement is executed by the Owner.

IN WITNESS WHEREOF the parties have executed this Agreement as attested by the signatures of their officers duly authorized for such purposes.

HER MAJESTY THE QUEEN IN RIGHT OF CANADA, AS REPRESENTED BY THE MINISTER OF ENVIRONMENT, PARKS CANADA AGENCY, RIDEAU CANAL

per  

DATE

IN THE PRESENCE OF

WITNESS

DATE

The Corporation of the City of Kingston

per

Harvey Rosen, Mayor

DATE

Carolyn Downs, Clerk

DATE
TO: Bert Meunier, Chief Administrative Officer
FROM: Mark Segsworth, Commissioner of Operations
PREPARED BY: Barclay Mayhew, Properties Manager
DATE PREPARED: August 4, 2004
DATE OF MEETING: August 17, 2004
SUBJECT: Declaring Property Surplus,
Land at the end of Queen Street abutting Gibson Dock Property

RECOMMENDATION:

1. That Council declares the City Owned real property, described as PART 1 - 13R-16563 to be surplus.
2. That Council give notice to the public in accordance with the City’s Procedural By-law;
3. That Council authorizes the Sale of PART 1 - 13R-16563 at Fair Market Value based on a Professional Appraisal solicited by the City of Kingston.
4. That Council authorizes the retaining of City easements for access to the underground services located in PART 1 - 13R-16563.
5. Council approve the Stopping Up and Closing of the portion of Queen Street described as PART 1 - 13R-16563.

ORIGIN/PURPOSE:
The City owned property lies adjacent to private lands. Since 1998 the “abutting” owner has been seeking approval to develop his lands and acquire the above mentioned portion of City lands. The applicant has obtained a zoning change and their lands. For the orderly development and access to the Applicants lands, an abutting 30 foot long parcel of land lying at the end of Queen Street, owned by the City of Kingston has been requested.
OPTIONS/DISCUSSION:

This small parcel of City owned land is located at the base of Queen Street. A copy of the Survey of the parcel is attached as an Appendix to this report. This piece of property is 11.28 metres (37') deep along the north boundary, 20m (65.6') wide, in line with the end of the Queen Street road allowance. The parcel is approximately 220 square metres (2,368 sq. ft.) and is located at the base of the Queen Street road allowance, but terminates before reaching the water. A copy of Reference Plan 13R-14645 is attached with the Appendix. This Reference Plan is helpful in placing the City owned land in context with the abutting land uses and identifying the current land use of the parcel. Presently the property is vacant land which appears to be used by Tim Horton’s for customer parking as there are signs located along the north property line which indicate that the property is for the use of Tim Horton’s Customers and subject to a 20 minute time limit.

The City owned property is zoned Park “P” Zone by By-law 96-259 which was placed on this property when the Downtown and Harbour Zoning By-law was implemented in 1996. The last proposal for development on this dock was approved by site plan in 1987. At that time the proposal was to relocate the existing parkette at the end of Queen Street to the end of the filled area. The Site Plan Control Agreement which was registered on the property in 1987 indicates that the existing City parkette would be relocated to accommodate the easterly extension of Queen Street to provide access to the dock property.

Based on the inclusion of these clauses in the Site Plan Agreement it is clear that the City at the time recognized that access to development on this property would be accessed by Queen Street and that the area of the parkette would be relocated to another location on the site. It is also acknowledged in the agreement that the Owner will fill the area of the slip to create the extension to the roadway. The filling of this land has occurred and has resulted in the current lot configuration on the property. Sections (s) and (t) of this agreement indicate that the Owner shall provide for all construction required beyond the present limits of the Queen Street Road allowance, and the Owner shall assume responsibility for snow plowing of Queen Street from Ontario Street to the site. Since the extension of Queen Street will be located on privately owned property it shall have the status of a private road and shall be maintained by the Owner of the proposed apartment building.

On August 13, 2002, a report was forwarded to Council from the Commissioner of Operations. The subject of this report was to declare the land at the end of Queen Street abutting the Queen Street Dock as surplus. The motion to declare this land as surplus was lost through a tied vote at Council. Following the loss of this motion the Owner revised their proposal to remove the small area of City owned land from the proposed development.

It is the opinion of the Planning Division that the inclusion of the City owned property in this development would be appropriate. As noted, it appears that the City owned property is presently being used as a parking area for the Tim Horton’s store located to the north of the property. The addition of this property to the proposed development would allow for a few additional parking spaces and provide the developer with the additional land to undertake the additional landscaping at the entrance to the site as originally proposed. Given the circumstances and current land use of the property it would seem to be beneficial to both the City and the developer to incorporate the land into this development. This would ensure proper maintenance and upkeep of the land and provide a
more attractive view of the end of Queen Street from the west, rather than having cars parked on the west side of the proposed entry to the site and having the appearance of disjointed development on the street end.

LINK TO THE STRATEGIC PLAN:

Promotes responsible new development that will include new and link existing open space linkages along the City’s waterfront pathway.

FINANCIAL CONSIDERATIONS:

Appraisal required.
City will receive fair market value for the property.

CONTACTS:

Marnie Vendetti – Senior Planner
Barclay Mayhew – Manager of Properties

384-1770 ex-3256
546-4291 ex-1233

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

Legal Services Division – Hal Linscott, Director, Legal Services

Attachment – Map excerpt from Plan 13R - 16563

Mark Segsworth
Commissioner of Operations

Bert Meunier
Chief Administrative Officer
TO: Bert Meunier, Chief Administrative Officer
FROM: Mark Segsworth, P. Eng., Commissioner, Operations Department
PREPARED BY: Damon Wells, P. Eng., Manager, Roads Division
DATE OF MEETING: August 17, 2004
SUBJECT: Tender OS-RD-2004-2-Surface Treatment

RECOMMENDATION TO COUNCIL:
That the Tender No. OS-RD-2004-2 for Surface Treatment on Garret Road, Jackson Mills Road, Paige Road, Leeman Road be awarded to Duncor Enterprises Inc. in the amount of $111,760.50, it being the lowest bid received; and further that the City of Kingston and Duncor Enterprises Inc. enter into an agreement in a form satisfactory to the City Solicitor.

ORIGIN/PURPOSE:
Operations Department-Roads Division
Annual rural road maintenance program

OPTIONS/DISCUSSION:
Tenders were called for the surface treatment of approximately 7.33 km of rural roads on portions of Garret Road, Jackson Mills Road, Paige Road, Leeman Road, the results of which are listed below:

<table>
<thead>
<tr>
<th>Company</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duncor Enterprises Inc.</td>
<td>$9.27 per lineal metre + tax (single surface treatment)</td>
</tr>
<tr>
<td>Duncor Enterprises Inc.</td>
<td>$18.54 per lineal metre + tax (double surface treatment)</td>
</tr>
<tr>
<td>Smith’s Construction Company Limited</td>
<td>$10.00 per lineal metre + tax (single surface treatment)</td>
</tr>
<tr>
<td>Smith’s Construction Company Limited</td>
<td>$20.00 per lineal metre + tax (double surface treatment)</td>
</tr>
</tbody>
</table>

Last year's result, were as follows:

<table>
<thead>
<tr>
<th>Company</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smith’s Construction Company Limited</td>
<td>$10.63 per lineal metre + tax (single surface treatment)</td>
</tr>
<tr>
<td>Smith’s Construction Company Limited</td>
<td>$20.35 per lineal metre + tax (double surface treatment)</td>
</tr>
</tbody>
</table>
EXISTING POLICY/BY-LAW:
Purchasing By-law 2000-134.

LINK TO STRATEGIC PLAN:
n/a

FINANCIAL CONSIDERATIONS:
Sufficient funds have been approved in the 2004 Operating Budget to provide for this work.

CONTACTS:
Damon Wells, P. Eng., Manager, Roads Division, 542-1436 ext. 103

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
n/a

NOTICE PROVISIONS:
n/a

APPENDICES:
n/a

Mark Segsworth, P. Eng.,
Commissioner Operations Department

Bert Meunier
Chief Administrative Officer
TO: Bert Meunier, Chief Administrative Officer
FROM: Lance Thurston, Commissioner, Department of Community Services
PREPARED BY: Ann Pappert, Manager, Cultural Services Division
DATE OF MEETING: August 17, 2004
SUBJECT: Federal Divestiture Water/Land Lots Portsmouth Olympic Harbour and Flora MacDonald Confederation Basin

RECOMMENDATION TO COUNCIL:

That Council authorizes city staff to enter into negotiations with the federal government for divestiture to the City of the water and land lots associated with Portsmouth Olympic Harbour Marina and Flora MacDonald Confederation Basin which are presently owned by Fisheries and Oceans, Small Craft Harbours and to report back to Council with the outcome of negotiations and recommendations for Council’s consideration as to whether to proceed to acquire the lots.

ORIGIN/PURPOSE:
The Federal Department of Fisheries and Oceans (Small Craft Harbours) is divesting 800 recreational Harbours and water lots (401 in Ontario) to local governments for one dollar ($1.00) each. In the fall of 2003, the City of Kingston agreed to purchase property at Grass Creek Park. Fisheries and Oceans has approached Cultural Services staff to negotiate to sell the above two properties to the City. City staff wishes to explore this opportunity.

OPTIONS/DISCUSSION:
Fisheries and Oceans wishes to negotiate the two (2) properties individually as there are characteristics specific to each location which require separate exploration i.e. structural, environmental.

Flora MacDonald Confederation Basin and Portsmouth Olympic Harbour are sites well used by the public and by the City’s Cultural Services Division in its public cultural programming.

The City of Kingston’s Official Plan recognizes the value of public ownership of the Kingston waterfront. Policy 7.6.2 (a) iii of the Official Plan indicates that with respect to tourism, regard shall be given “to continue to acquire waterfront lands and pathways for use by tourist, visitors and residents of the City.”

EXISTING POLICY/BY-LAW:
The City’s land use and development policies recognize the value of public ownership of waterfront properties for use by tourists, visitors and residents.

Waterfront land and associated water lots are recognized as significant natural environmental resources. City policies place a priority on acquiring waterfront lands for public use in both urban and rural areas.
LINK TO STRATEGIC PLAN:
Public ownership of the waterfront is forefront in our Strategic Plan of which the Official Plan initiative identifies a waterfront strategy as necessary to development. The City's control of such water lots will strengthen the Community Strategic Plan objectives.

FINANCIAL CONSIDERATIONS:
As part of the negotiation for the sale of Flora MacDonald Confederation Basin Marina and Portsmouth Olympic Harbour Marina from Fisheries and Oceans to the City of Kingston, staff wishes to pursue discussion related to security, capital and miscellaneous upgrades. Outcomes of these negotiations would be reported back to Council for approvals.

CONTACTS:
Ann Pappert, Manager, Cultural Services Division 546-4291 ext. 1341
Ed Leeman, Supervisor, Marinas 546-4291 ext. 1299

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Legal Services (consulted)
Properties Division (consulted)
Finance (consulted)

NOTICE PROVISIONS: N/A

APPENDICES: N/A

Lance Thurston, Commissioner
Department of Community Services

Bert Meunier
Chief Administrative Officer
TO: Bert Meunier, Chief Administrative Officer  
FROM: Lance Thurston, Commissioner, Community Services Department  
PREPARED BY: Ann Pappert, Manager, Cultural Services  
Lynda Breen, Supervisor, Programs, Events & Aquatics  
DATE OF MEETING: August 17, 2004  
SUBJECT: Advertising Revenue Pilot - Artillery Park Aquatic Centre

RECOMMENDATION TO COUNCIL:

WHEREAS through partnered advertising opportunities the City is provided with an opportunity to grow revenues;

AND WHEREAS partnered facility advertising proposals are being brought forward through various external non-profit organizations;

AND WHEREAS there is currently no corporate wide policy in place related to advertising in municipal facilities.

THEREFORE BE IT RESOLVED THAT Council allows the Cultural Services Division to explore the viability of generating new revenues by issuing a Request for Proposal specific to Artillery Park Aquatic Centre and report back to Council on its outcome;

AND FURTHER THAT Council directs the Cultural Services Division to research and propose general policy guidelines related to future advertising in our cultural services facilities.

ORIGIN/PURPOSE:
The purpose of this report is to brief Council on current revenue opportunities which have been presented to staff related to the operation of the Artillery Park Aquatic Centre and to seek Council’s direction and approval, both to research and propose general policy guidelines related to future advertising revenues and in the short term, to explore the outcomes of a Request for Proposals to advertise specifically in the Artillery Park Aquatic Centre.
OPTIONS/DISCUSSION:
As part of the development of the Cultural Services Division, staff is reviewing existing policies, practices and procedures with the aim of identifying and resolving issues that require attention over the short and longer term. One area that has been identified is the practice of gaining revenue from spot advertising within our facilities and the need for a comprehensive advertising by-law for all Cultural Services facilities. At present, the only approved advertising rate structure is specific to arenas. Staff believes that this does not reflect the full range of revenue opportunities available. Arena rates were updated and approved by Council on October 14, 2003 based on information gathered by reviewing arena rates from a number of municipalities.

Cultural Services has since been approached by a range of sport organizations seeking to partner with the City to profit-share through the sale of advertising i.e. Artillery Park Aquatic Centre Pool. Revenue might be allocated to replacing outdated equipment or offsetting operations.

Specific to Artillery Park Aquatic Centre Pool, the City provides a variety of aquatic opportunities from recreational swimming to aquatic lessons, leadership training, competitive swimming, aqua fit classes and length swimming. The equipment needs vary as much as the programming. Two years ago the diving board was replaced, lifejackets and program supplies are replaced or repaired annually and the facility is currently in need of new lane ropes and starting blocks. Through innovative approaches, such as a partnered advertising program, additional funds could be directed toward purchasing required equipment and supplies.

Alternative revenue generating sources such as advertising partnerships are not unique to municipal operations and are a viable option to offset rising capital and operating expenditures. However, a standardized approach to advertising in our facilities is required. Hand-in-hand with the development of an advertising policy would be an inventory and review of the City's existing facility advertising.

It is the intent of the Cultural Services Division to develop a Request for Proposals for advertising in the Artillery Park Aquatic Centre as a pilot project immediately to both address community inquiries and realize the enhanced revenue opportunities.

EXISTING POLICY/BY-LAW:
By-law No. 99-91; Lease Agreement with Kingston Frontenacs; established practice.

LINK TO THE STRATEGIC PLAN:
The Strategic Plan has identified Culture, Recreation, Parks and Heritage as one of the seven key priority areas in the City of Kingston. The development of a recreation facility advertising policy, and the implementation of the aforementioned Request for Proposals, will result in additional revenues to support the City's recreation facilities and will assist us in building a sound financial base for our emerging Cultural Strategy.

FINANCIAL CONSIDERATIONS:
An advertising policy would outline criteria to ensure standardized, fair and equitable advertising relationships were established and maintained.
CONTACTS:
Ann Pappert, Manager, Cultural Services Division (546-4291 x 1341)
Lynda Breen, Supervisor, Programs, Events and Aquatics (546-4291 x 1705)

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Not applicable

NOTICE PROVISIONS:
Not applicable

APPENDICES:
Not applicable

Lance Thurston
Commissioner

Bert Meunier
Chief Administrative Officer
RECOMMENDATION TO COUNCIL:

THAT City Council receive the information provided in the staff report in response to the unsolicited proposal for a Wind Turbine at Lake Ontario Park, and;

THAT this matter be deferred to the September 2004 Priority Setting Sessions of Council.

ORIGIN/PURPOSE:

The purpose of this report is to provide information to City Council on a recent unsolicited proposal to lease property within Lake Ontario Park for the purpose of erecting and operating a single, 1.5 megawatt wind turbine.

OPTIONS/DISCUSSION

Hearthmakers Energy Cooperative and GAIA Power Inc. (Hearthmakers/GAIA) have provided the City of Kingston with an unsolicited proposal to lease a portion of Lake Ontario Park for the purpose of erecting and operating a single wind turbine capable of generating 1.5 megawatts of electricity. Key points of the proposal, followed by discussion from the City’s staff perspective, are as follows:

Physical Details

1. The project would require a lease of city-owned parkland. Hearthmakers/GAIA proposes that a 15 square metre portion is all that is required for the turbine. The area realistically required in order to consider liability and risk management issues must be evaluated.
2. The wind turbine would be a 1.5 MW unit. The height of the turbine’s tower is approximately 75 metres above ground surface.
OPTIONS/DISCUSSION:

Physical Details (Cont’d)

3. The optimum location for the turbine would be within the southeast quadrant of the park between the waterfront and the current location of the children’s play structure (see attached drawing). Other locations are possible but may not provide the exposure to the best wind resource.

4. St. Lawrence College might be approached to provide a kiosk, at the turbine site, for the purpose of accommodating activities such as school tours and other events designed to provide education and awareness about energy use and wind power.

Business Aspects:

1. The City would receive a fair market lease payment for use of the property required. This would be achieved by declaring the property surplus by by-law, obtaining an appraisal and then entering into a fair market value lease.

2. The City would receive tax revenue from whatever assessment is applied to the undertaking.

3. The electrical output from the turbine would be directed to the Ontario grid for sale by Hearthmakers/GAIA, however, an assessment of the technical requirements for a connection to the Kingston Electricity Distribution Limited distribution system at this location must be completed.

4. Equity shares in the project would be made available for sale by Hearthmakers Energy Cooperative.

5. Retail sale of the “green” energy produced would be provided by Hearthmakers Energy Cooperative.

6. The City would receive an option to purchase up to 50% of the electrical output of the turbine at a rate no greater than that of conventional energy purchased from Utilities Kingston or Hydro One. However, the project would be subject to the need for a Request for Proposals (RFP) to determine whether this source of electrical output is the best place to procure green energy, in which case this option may not prove to be the best alternative when compared to alternatives that have yet to be reviewed.

7. All technical studies and public consultations required to determine the feasibility of the project would be the responsibility of Hearthmakers/GAIA.

Potential Benefits to the City:

The principal benefit to the City would be access to green power at rate equal to conventional power. Access to this power would provide roughly 12.5% of the greenhouse gas reductions required to achieve our corporate reduction goal under the Partners in Climate Protection Program, at no cost to the City. This is also a goal of the environmental priority area within FOCUS Kingston.

Other potential benefits might include an increase in the use of Lake Ontario Park associated with those keen on visiting the wind turbine, revenue from the lease and taxation of the project and access to carbon credits proportional to our purchase of green power from the project.
OPTIONS/DISCUSSION:

Potential Benefits to the Community: (Cont'd)

Early indications are that the following benefits may be derived from this proposal, subject to further review and consultation with other departments, boards and agencies:

1. Supports development of alternative energy economic center of excellence (KEDCO - SWITCH)
2. Tourism: Creates an accessible point of interest destination
3. Education: Provides a destination for renewable energy learning
4. Education: Provides infrastructure for St. Lawrence College’s Renewable Energy Technology program.
5. Sustainable Energy: Provides retail access to locally produced sustainable energy.
6. Community recognition for energy leadership
7. Supports local spin-off businesses (i.e. green energy retailers)

Challenges and Concerns:

The three most significant challenges to supporting the proposal are the questions which remain in relation to the business plan, the compatibility of a wind turbine with the public uses of Lake Ontario Park and legality with respect to land use.

1. There are important issues not dealt with in the business plan received from Hearthmakers/GAIA. These issues need to be addressed before the City can consider and evaluate the merits of the proposed project:

   a. Discussion of whether the proposal represents good planning, and whether/how it complies with zoning by-laws and the Official Plan. The proponent must at least identify what planning approvals it may require.
   b. Provision of required technical studies including advisable airport use, noise and shadowing that would be required to demonstrate the feasibility of the project. A critical issue is the technical assessment of the connection requirements to the Kingston Electricity Distribution Limited distribution system that must be completed prior to proceeding.
   c. A time frame and budget for consultations with electricity regulators, Planning Act requirements as well as public input from park users, neighbours and other.
   d. A proposal as to how the Hearthmakers/GAIA would protect the City from any liabilities associated with the operation of a wind turbine in a public park.
OPTIONS/DISCUSSION: (Cont’d)

2. Compatibility with the Vision for Lake Ontario Park

The proposal conflicts with current use of Lake Ontario Park. The City does not currently have a comprehensive plan for the future of Lake Ontario Park. Without such a plan City staff are unable to support the proposal for a single wind turbine as it would not understand how it would be compatible with whatever activities, services or infrastructure might be desirable at Lake Ontario Park. This is an important aspect since the proposed life of the wind turbine would be at least 25 years.


a. Any proposal would have to be analyzed against the requirements of the Planning Act and good planning practices. There has been no such analysis to date.

b. Any City approval would require the lands involved be declared surplus as the turbine would be in place for a greater period of time that the 21 years for leasing set out in section 268 of the Municipal Act, 2001. That process includes valuation of the land by appraisal and a by-law declaring the lands surplus. It would be premature to move forward with this proposal without consideration of whether the portion of Lake Ontario Park in question is in fact surplus. Without the agreement of the Cultural Services Division, no decision on the issue of declaring the lands surplus can be made.

c. By sole sourcing the purchase of green power through a wind generation lease to the Hearthmakers/GAIA proposal we would be avoiding a competitive examination of the green energy market as is required by the Purchasing By-law. An amendment to this by-law may be required.

d. Were the City to determine that it wants to offer a lease(s) for wind generation at Lake Ontario Park, then the City may still wish to issue an RFP for proposals to purchase such green power. Proposals could then be evaluated on the strength of what benefits would be provided to the City, to the Community and on the relative strengths of each business case.

EXISTING POLICY/BY-LAW:

On April 3, 2001 council resolved that the City of Kingston actively pursue energy efficiency through the wind generation of electricity in the Kingston area; and that the City of Kingston request Utilities Kingston, at its discretion, to work collaboratively with the Hearthmakers Energy Cooperative, or any other group that wishes to further development of sustainable energy generation and energy efficiency. In May 2002 council endorsed the ratification of Kyoto. On March 18, 2003 City Council passed a resolution that recommended that the City of Kingston request that the Federal and Provincial Governments support local renewable energy initiatives by purchasing a portion of the energy needs of their Kingston region facilities from local wind power producers.
LINK TO STRATEGIC PLANS:

Climate Change and Air Quality
The City of Kingston community strategy, FOCUS Kingston, identifies climate change and air quality as an environmental priority.

The Corporation of the City of Kingston is a member of the Federation of Canadian Municipalities (FCM) Partners in Climate Protection (PCP) program as endorsed by council on April 17, 2002. Through this membership the City of Kingston has joined over 100 municipalities nationally and more than 400 communities internationally in a commitment to reduce green house gas emissions.

The facilitation of green energy generation in Kingston provides direct linkage to these strategic plans.

FINANCIAL CONSIDERATIONS:

The proposal suggests that the single wind turbine project would be essentially neutral with respect to financial impacts on the Corporation of the City of Kingston. This proposal would provide approximately 12.5% of the corporation’s PCP green house gas reduction target at no cost.

Minor revenues would be provided through lease payments and tax assessment while minor expenditures would be required to provide staff support to participate in moving the proposal forward.

CONTACTS:

Paul MacLatchy, Manager of Environment Division ext. 3134
Ann Pappert, Manager of Cultural Services, Community Services ext. 1341
Alan McLeod, Senior Legal Counsel, Legal Division ext. 1237
Nancy Taylor, Vice President of Utilities Kingston ext. 2460

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED

Department of Community Services
Department of Corporate Services
Utilities Kingston

NOTICE PROVISIONS:

Not applicable.

APPENDICES:

Diagram showing conceptual locations for a single wind turbine at Lake Ontario Park.
Terry Willing, Acting Commissioner
Planning & Development Services

Bert Meunier
Chief Administrative Officer
Conceptual Locations for a Single Wind Turbine at Lake Ontario Park
TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Planning & Development Services
PREPARED BY: Chris Sleeth, Traffic Supervisor, Engineering Division
DATE OF MEETING: August 17, 2004
SUBJECT: TEMPORARY STREET CLOSURE: SEPTEMBER 18, 2004
KID'S DAY INTERNATIONAL

RECOMMENDATION TO COUNCIL:

That a By-Law be presented to City Council to provide for the temporary closure of a portion of Ontario Street, from Brock Street to Market Street, Saturday, September 18, 2004, from 9:00 a.m. to 3:00 p.m., for community purposes (Kid's Day International), subject to the following conditions:

1. That the applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division; and

2. That the applicant will be responsible for the acquiring/renting, placing and removal of all barricades necessary to fully close the roadway(s) affected and install advance signage to indicate the street closure and install detour signage; and

3. That the applicant agrees to take out sufficient public liability property damage insurance in the amount of $2,000,000.00 to cover all risks. The policy shall be in a form and in an amount satisfactory to the City of Kingston, and shall be kept in full force during the period of the proposed street closure. The City of Kingston shall be named as a party insured on the policy and the applicant shall provide the City of Kingston with a copy of the insurance policy.

ORIGIN/PURPOSE:

The Barriefield Family Chiropractic Centre has requested a temporary street closure to celebrate Kid's Day International for Kingston and the area.

OPTIONS/DISCUSSION:

Dr. Alana Way of the Barriefield Family Chiropractic Centre has applied for the temporary closure of Ontario Street between Brock Street and Market Street on Saturday, September 18, 2004. The events for Kid's Day International will teach children about health, safety and the environment. Fire trucks, police cars, and other vehicles will be on display.
Police and Volunteers will be assisting with traffic control.

**Noise By-Law Consideration**

Noise By-Law No. 2004-52 “A By-Law of the Corporation of the City of Kingston to Control Noise”, exempts special neighbourhood social events on streets or other lands authorized by City Council from the provisions of the by-law.

**Impact on parking**

Parking across from City Hall would be eliminated during the closure times.

**EXISTING POLICY/BY-LAW:**

Ontario Municipal Act 2001, S.O. c. 25, Section 11(1)

**LINK TO STRATEGIC PLAN:**

Not applicable.

**FINANCIAL CONSIDERATIONS:**

No financial implications are to be considered in this report.

**CONTACTS:**

Speros Kanellos, P. Eng., Manager, Engineering Division, 384-1770, ext. 3133
Chris Sleeth, Traffic Supervisor, Engineering Division, 384-1770, ext. 3149
Paula Nichols, Manager of Parking Services Division, 546-4291, ext. 1279

**DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:**

City Police Traffic Unit, Ambulance Dispatch, Ambulance County Office Admin., Frontenac Paramedic Services, Transit, Fire, Garbage, Parking Admin., Parking Enforcement, Operations, Utilities Dispatch, Downtown Kingston, Customer Service c/o Katie Simoes, St. Lawrence Place, Harbour, Tour Trolley, City Yard, Cultural Services

**NOTICE PROVISIONS:**

All street closures are advertised in the local paper prior to the closing.

**APPENDICES:**

Appendix A - Drawing - Street Closure
TEMPORARY STREET CLOSURE
Ontario St. – Market to Brock

CITY OF KINGSTON
Engineering Division
Planning & Development Services

Drawn by: NT
Date: 12 Jun 02
REPORT TO COUNCIL

TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Planning & Development Services
PREPARED BY: Kimberley J. Brown, Infrastructure Engineer
DATE OF MEETING: August 17, 2004
SUBJECT: ASSUME AND DEDICATE AS A PUBLIC ROAD, PART LOT 18, CONCESSION 4, FORMER TOWNSHIP OF KINGSTON, COUNTY OF FRONTENAC - CITY OF KINGSTON

RECOMMENDATION TO COUNCIL:

That those lands known as part of Lot 18, Concession 4, in the City of Kingston, Geographic Township of Kingston, County of Frontenac, more specifically described in Schedule “A” of the by-law, be dedicated as part of the public highway in accordance with Section 31, of the Municipal Act, Chapter 25, S.O. 2001.

ORIGIN/PURPOSE:

It was brought to the attention of the City that a parcel of land fronting 1287 Sunnyside Road, which was to be deeded to the City for road widening purposes, was never dedicated and assumed as part of the public highway. The City must dedicate and assume the land as part of the public highway.

OPTIONS/DISCUSSION:

The solicitor for the owners of 1287 Sunnyside Road provided to the City a Transfer/Deed for lands fronting the property at 1287 Sunnyside Road that were required for the purposes of a road widening. The Transfer/Deed was registered on title June 7, 2004 as Instrument 734955. As per the new Municipal Act, the City must pass a by-law to dedicate and assume this portion of the road as a public street. The lands are described in the Schedule to the deed as follows;

Part Lot 18, Concession 4, in the City of Kingston, formerly Township of Kingston, County of Frontenac, described as follows:

COMMENCING at an iron bar marking the southwest corner of Part 1, Reference Plan 13R-2809.
THENCE south 1 degree, 18 minutes, 48 seconds east, a distance of 13 feet to a point in the northerly boundary of the road allowance between Concessions 3 and 4;

THENCE south 89 degrees, 32 minutes, 52 seconds east, along the northerly boundary of said road allowance a distance of 130 feet to a point;

THENCE north 1 degree, 18 minutes, 48 seconds west, a distance of 13 feet to an iron bar marking the southeast corner of Part 1, Reference Plan 13R-2809;

THENCE, north 89 degrees, 32 minutes, 52 seconds west, a distance of 130 feet to the place of beginning.

EXISTING POLICY/BY-LAW:

Council passes by-laws to dedicate lands as part of the public highway and in conjunction with the dedication assumes those lands as per the requirements of Section 31 of the Municipal Act, Chapter 25, S.O. 2001.

LINK TO STRATEGIC PLAN:

This report has no link to the Strategic Plan.

FINANCIAL CONSIDERATIONS:

There are no financial considerations in this report.

CONTACTS:

Speros Kanellos, P.Eng., Manager, Engineering Division, Phone 384-1770 Ext. 3133
Kimberley Brown, P.Eng., Infrastructure Engineer, Phone 384-1770, Ext. 3132

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

N/A

NOTICE PROVISIONS:

N/A

APPENDICES:

Appendix “A” - Site Plan
Appendix “B” - Draft By-Law
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<tr>
<td>Terry Willing</td>
<td>Acting Commissioner of Planning &amp; Development Services</td>
</tr>
<tr>
<td>Bert Meunier</td>
<td>Chief Administrative Officer</td>
</tr>
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</table>
CITY OF KINGSTON
Engineering Division
Planning & Development Services

1287 Sunnyside Rd.
Location

Scale 1:1000
Dwg No 04m025
BY-LAW NO. 2004-____


PASSED:

WHEREAS Section 31, of the Municipal Act, Chapter 25, S.O. 2001 provides for the establishing and laying out of lands as public highways;

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

1. That the land known as Part of Lot 18, Concession 4, in the City of Kingston, Geographic Township of Kingston, County of Frontenac, more specifically described in Schedule "A" of this by-law, be established as a portion of the public highway known as Sunnyside Road in the City of Kingston in accordance with Section 31, of the Municipal Act, Chapter 25, S.O. 2001.

2. This By-law shall come into force and take effect on its passing.

GIVEN FIRST AND SECOND READING ____________

GIVEN THIRD AND FINAL READING ____________

CITY CLERK

MAYOR
Part Lot 18, Concession 4, in the City of Kingston, formerly Township of Kingston, County of Frontenac, described as follows:

COMMENCING at an iron bar marking the southwest corner of Part 1, Reference Plan 13R-2809.

THENCE south 1 degree, 18 minutes, 48 seconds east, a distance of 13 feet to a point in the northerly boundary of the road allowance between Concessions 3 and 4;

THENCE south 89 degrees, 32 minutes, 52 seconds east, along the northerly boundary of said road allowance a distance of 130 feet to a point;

THENCE north 1 degree, 18 minutes, 48 seconds west, a distance of 13 feet to an iron bar marking the southeast corner of Part 1, Reference Plan 13R-2809;

THENCE, north 89 degrees, 32 minutes, 52 seconds west, a distance of 130 feet to the place of beginning.
TO: Bert Meunier, Chief Administrative Officer
FROM: Mark Segsworth, Commissioner, Operations
SUBMITTED BY: Paula Nichols, Manager, Parking Services
DATE OF MEETING: 2004-08-17
SUBJECT: Monthly Permit Rates – Court House Parking Lot

RECOMMENDATION TO COUNCIL:

That “Schedule A” of By-Law 4489 be amended to change the monthly parking rate at the Frontenac County Court House to $52.17, plus taxes, effective October 1, 2004.

ORIGIN/PURPOSE:

Management of monthly parking at the Frontenac County Court House parking lot is being transferred from the Properties Division to the Parking Services Division. In planning for this transfer, it is deemed appropriate that the monthly rates are consistent with the overall parking system rates previously approved by Council.

OPTIONS/DISCUSSION:

Currently, monthly parking at the Frontenac County Court House is managed by the Properties Division. As Parking Services is experienced in managing parking, it is anticipated that by moving permit management responsibilities to Parking Services, the lot could be better utilized and monitored.

Customer service will be enhanced as Court House permit parkers will now have the added convenience of renewing their parking permit on-line or by phone. Currently, they must come to City Hall to renew their parking permits.

In moving the management of permit parking to Parking Services, it is appropriate that the monthly rates be consistent with the overall parking system rates approved by Council at its meeting on March 30, 2004. This means that the Frontenac County Courthouse rates would increase from $50.00 to $52.17 (plus taxes) per month, an increase of $2.17 plus taxes per month. The rate has not changed for five years, when they were actually reduced to this amount.
EXISTING POLICY/BY-LAW:

By-law 4489, Schedule A

LINK TO STRATEGIC PLAN: N/A

FINANCIAL CONSIDERATIONS:

It is estimated that approximately $1,400 per year in additional revenue will be achieved.

CONTACTS:

Paula Nichols, Manager, Parking Services, 546-4291, ext. 1279
Barclay Mayhew, Manager, Properties Division, 546-4291, ext. 1233
Mark Segsworth, Commissioner, Operations, 546-4291, ext. 1345

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED: N/A

NOTICE PROVISIONS:

Communication to permit holders

APPENDICES:

By-law Amendment

Mark Segsworth, Commissioner, Operations

Bert Meunier
Chief Administrative Officer
BY-LAW NO. ____

A BY-LAW TO AMEND BY-LAW NO. 4489

PASSED:

The Council of The Corporation of the City of Kingston enacts as follows:

By-law 4489, entitled "A by-law to regulate, supervise and govern the parking of vehicles on parking lots and to fix the rates and charges for parking on such parking lots", as amended, is hereby further amended:

SCHEDULE "A"

Delete:

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<th>Maximum time limit</th>
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<th>Daily maximum rate (tax included)</th>
<th>Monthly rate (plus taxes)</th>
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Add:

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<th>Time when payment is required</th>
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<th>Hourly rate (tax included)</th>
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</tbody>
</table>

GIVEN FIRST AND SECOND READINGS

GIVEN THIRD READING AND FINALLY PASSED

CITY CLERK

MAYOR
TO: Bert Meunier, Chief Administrative Officer

FROM: Terry Willing, Acting Commissioner, Planning & Development Services

PREPARED BY: Jason Budd, Planner, Planning Division

DATE OF MEETING: August 17, 2004

SUBJECT: Application to Lift Part Lot Control
Lots 80 - 99 Inclusive, Registered Plan 13M-26, Cobblestone Ridge Subdivision
CaraCo Development Corporation (Robert Blommestyn)
Our File No: D27-004-2004

RECOMMENDATION TO COUNCIL:

WHEREAS CaraCo Development Corporation, has submitted an application requesting that Part Lot Control be lifted from Lots 80-99 inclusive on Registered Plan 13M-26, “Cobblestone Ridge” Subdivision located on the north side of Taylor-Kidd Boulevard and south west of Princess Street, with access to Grandtrunk Avenue East from Waterloo Drive 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. D27-004-2004) for Lots 80-99 inclusive on Registered Plan 13M-26, as further described as the “Cobblestone Ridge” Subdivision, BE APPROVED.

AND BE IT FURTHER RESOLVED that a By-Law be passed to Lift Part Lot Control from Lots 80-99 inclusive on Registered Plan 13M-26, as further described as the “Cobblestone Ridge” Subdivision.

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

(A Draft By-Law is appended to this report as Appendix No. 2 for Council’s review and consideration.)
ORIGIN/PURPOSE:

This matter originates in the submission of an Application for Part Lot Lift by CaraCo Development Corporation. The applicant is requesting Part Lot Lift on Lots 80–99 inclusive on Registered Plan 13M-26. The applicant is requesting to alter the existing lot fabric in order to create larger residential lots for the purpose of constructing single family detached dwellings.

The purpose of this report is to assess the merits of the request and to make a recommendation to City Council on the Application to Lift Part Lot Control.

OPTIONS/DISCUSSION:

Site Location and Description

The Cobblestone Ridge Subdivision is located west of Taylor–Kidd Boulevard and south west of Princess Street in Kingston West. The subdivision consists of approximately 140 residential lots. The 20 lots subject to this application are located on Weston Crescent and Grandtrunk Avenue East. Access to this subdivision is from Waterloo Drive, which connects Taylor–Kidd Boulevard and Centennial Drive. The subject site is approximately 7487.5 square metres (0.74 ha). The present lot frontage is predominantly 12.2 metres. The Applicant is requesting permission to increase the lot frontage to 13 + metres. The increased lot frontages will decrease the number of residential lots from 20 to 16. No dwellings have been constructed on the lots.

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, provide 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 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 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.
ORIGIN/PURPOSE: (Cont'd)

Analysis

The Registered Plan of Subdivision for the Cobblestone Ridge Subdivision created approximately 140 residential lots intended for semi-detached and single detached dwellings. The applicant is proposing, through the removal of Part Lot Control, to alter the lot fabric of Lots 80–99 inclusive in order to create larger single detached lots for development. A review of the application by the relevant departments and agencies indicated no objection to the lifting of Part Lot Control. The Engineering Division provided the following comments:

1) The Applicant is to confirm that there are no current proposals under consideration for the sewer system in the easements between lots 85 & 86 and 97 & 98.
   - *The Applicant and the Applicant’s Engineer confirmed via telephone (July 27, 2004) and e-mail (July 27, 2004) that the sewer system has not been constructed within the existing easements. The existing easements will have to be discharged and the new easements, of equivalent width, will be registered on title.*

2) The proposed easements are to be the same width as the existing easements.
   - *The applicant has provided easements, with the same width as the existing easements, shown as Parts 4, 5, 17 & 18 on the draft reference plan.*

3) The Applicant will have to submit revised engineering drawings prepared by a Professional Engineer to the Municipality for review and approval.
   - *Revised engineering drawings were submitted with the application for Amending Subdivision Agreement (Our File No. D12-009-2004).*

4) The Applicant will have to submit a revised lot grading plan prepared by a Professional Engineer to the Municipality for review and approval.
   - *Revised Lot Grading Plans were submitted for review with the application for Amending Subdivision Agreement (Our File No. D12-009-2004).*

5) The Applicant will have to enter into an amending subdivision agreement.
   - *The Applicant has submitted an application for Amending Subdivision Agreement (Our File No. D12-009-2004).*

6) Development of Parts 1 and 2 will have the same conditions as lots 80-83 had in the original agreement.
   - *Condition will be addressed in the application for Amending Subdivision Agreement.*

The Lifting of Part Lot Control for the Cobblestone Ridge Subdivision is considered to be appropriate for the following reasons:

- The lands in question are Lots within a registered plan (13M-26);
- An application for Amending Subdivision Agreement has been submitted to the City for processing. The proposed Amending Subdivision Agreement will reflect the proposed changes resulting from the Exemption from Part Lot Control Application;
- The Medium Density Residential land use designation for the subject site permits the construction of single family and two family dwellings. The approved ‘R2-25’ Zoning for the subject property permits the construction of single detached dwellings and semi-detached dwellings; and
- The proposed lots shown on the Reference Plan conform to the lot area and lot frontage regulations of the Zoning By-Law.
ORIGIN/PURPOSE (Cont’d)

Conclusion

The applicant’s request to Lift Part Lot Control in order to create larger residential lots for the purpose of constructing single detached dwellings on the subject lands is appropriate. The size of the proposed lots maintains the spirit and intent of the Zoning By-Law and the development concept for the Cobblestone Ridge Subdivision. It is therefore recommended that City Council Lift Part Lot Control for Lots 80-99 inclusive of Registered Plan 13M-26, Cobblestone Ridge Subdivision, in Kingston West.

FINANCIAL CONSIDERATIONS:

No financial implications are to be considered in this report.

CONTACTS:

Jason Budd, Senior Planner, Planning Division, 384-1770, extension 3178; Bianca M.V. Bielski, Manager, Planning Division, 384-1770, extension 3250; or George Wallace, Supervisor – Development Approvals, 384-1770, extension 3252.

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

The application to Lift Part Lot Control was circulated to the appropriate Technical Staff / Agencies for review and the following comments were received:

Utilities Systems - No objections (Sarah Jarvis);
Building Inspection – No Objection (Tony Blackett);
Fire Department- No Objection (Robb Kidd); and
Engineering Services – No Objection (Don Brodie).

NOTICE PROVISIONS:

No Notice requirements necessary.

APPENDICES:

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

Appendix 1 - Location Map
Appendix 2 - Draft Reference Plan
Appendix 3 - Draft By-Law to Lift Part Lot Control & Key Maps
Terry Willing, Acting Commissioner
Planning & Development Services

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

DRAFT BY-LAW
LIFTING OF PART LOT CONTROL.

Caraco Development Corporation
Lots 80 – 99 Inclusive, Plan 13M-26
Cobblestone Ridge Subdivision

File No. D27-004-2004
Drafted: July 27, 2004

The Corporation of the City of Kingston
Development Review Division
216 Ontario Street,
Kingston, Ontario
K7L 2Z3
BY-LAW NO. 2004-_______

A BY-LAW TO EXEMPT CERTAIN LANDS ON REGISTERED PLAN 13M-26 FROM THE PROVISIONS OF SECTION 50(5) OF THE PLANNING ACT, R.S.O. 1990, AND AMENDMENTS THERETO (Lots 80 – 99 Inclusive, Plan 13M-26, Cobblestone Ridge Subdivision).

PASSED: ____________________, 2004

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 Caraco Development Corporation has requested an exemption from Part Lot Control for Lots 80 – 99 inclusive of Registered Plan 13M-26, such exemption being for the purpose of creating separate parcels for the semi-detached dwellings constructed on the subject lands.

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


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 __________, 2004.

Mayor, Harvey Rosen

Carolyn Downs, City Clerk
TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Planning & Development Services
PREPARED BY: Kimberley J. Brown, Infrastructure Engineer
DATE OF MEETING: August 17, 2004
SUBJECT: ASSUME AND DEDICATE AS PUBLIC ROADS, PART 1, REFERENCE PLAN 13R-17131 ON CHARLES STREET AND PART OF LOT 2, REGISTERED PLAN C-10 ON BAGOT STREET - CITY OF KINGSTON

RECOMMENDATION TO COUNCIL:

That those lands known as Part 1, Reference Plan 13R-17131 in the City of Kingston, County of Frontenac, be dedicated as part of the public highway in accordance with Section 31, of the Municipal Act, Chapter 25, S.O. 2001.

- And Further -

That those lands known as part of Lot 2, Registered Plan C-10, in the City of Kingston, County of Frontenac, more specifically described in Schedule “A” of the by-law, be dedicated as part of the public highway in accordance with Section 31, of the Municipal Act, Chapter 25, S.O. 2001.

ORIGIN/PURPOSE:

It was brought to the attention of the City that two parcels of land, one on Charles Street and the other on Bagot Street were not dedicated as public highway. The City must dedicate and assume the land as part of the public highway.

OPTIONS/DISCUSSION:

The solicitor representing the owners of 595 and 600 Bagot Street and 38 Charles Street, while undertaking research in the registry office, advised the City that a portion of the Charles Street right-of-way was never dedicated as public highway. The lands are defined as Part 1 on Reference Plan 13R-17131 which was registered on title October 3, 2003 as Instrument 727995. As well, lands were also deeded to the City for a road widening but never dedicated as a public road by by-
law along the Bagot Street right-of-way that are part of Lot 2, Registered Plan C-10, more specifically described as follows:

All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston, in the province of Ontario, being part of Lot 2, Registered Plan Number C-10, containing by admeasurement 0.037 Acres, more or less, and more particularly described as follows:

COMMENCING at the South West Corner of Lot 2, Registered Plan Number C-10, being the intersection of the Easterly limit of Bagot Street with the Northerly limit of Dufferin Street.

THENCE North 77 degrees, 30 minutes East along the Southerly limit of Lot 2 a distance of 8.58 feet;

THENCE North 20 degrees, 33 minutes, West 191.17 feet to an iron bar;

THENCE South 69 degrees, 27 minutes West along a picket fence existing in May 1966 a distance of 8.50 feet to the Westerly limit of Lot 2;

THENCE South 20 degrees 33 minutes East along the Westerly limit of Lot 2, being also the Easterly limit of Bagot Street 189.96 feet to the Point of Commencement.

As per the new Municipal Act, the City must pass a by-law to dedicate and assume this portion of the road as a public street.

EXISTING POLICY/BY-LAW:

Council passes by-laws to dedicate lands as part of the public highway and in conjunction with the dedication assumes those lands as per the requirements of Section 31 of the Municipal Act, Chapter 25, S.O. 2001.

LINK TO STRATEGIC PLAN:

This report has no link to the Strategic Plan.

FINANCIAL CONSIDERATIONS:

There are no financial considerations in this report.

CONTACTS:

Speros Kanellos, P.Eng., Manager, Engineering Division, Phone 384-1770 Ext. 3133
Kimberley Brown, P.Eng., Infrastructure Engineer, Phone 384-1770, Ext. 3132
DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
N/A

NOTICE PROVISIONS:
N/A

APPENDICES:
Appendix “A” - Site Plan
Appendix “B” - Draft By-Law Charles Street
Appendix “C” - Draft By-Law Bagot Street

Terry Willing,
Acting Commissioner of Planning & Development Services

Bert Meunier
Chief Administrative Officer
BY-LAW NO. 2004-____


PASSED:

WHEREAS Section 31, of the Municipal Act, Chapter 25, S.O. 2001 provides for the establishing and laying out of lands as public highways;

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

1. That the land known as Part 1 on Reference Plan 13R-17131 in the City of Kingston, County of Frontenac, be established as a portion of the public highway known as Charles Street, in the City of Kingston in accordance with Section 31, of the Municipal Act, Chapter 25, S.O. 2001.

2. This By-law shall come into force and take effect on its passing.

GIVEN FIRST AND SECOND READING ____________

GIVEN THIRD AND FINAL READING ______________

CITY CLERK

MAYOR

PASSED:

WHEREAS Section 31, of the Municipal Act, Chapter 25, S.O. 2001 provides for the establishing and laying out of lands as public highways;

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

3. That the land known as Part of Lot 2, Registered Plan C-10, in the City of Kingston, more specifically described in Schedule "A" of this by-law, be established as a portion of the public highway known as Bagot Street in the City of Kingston in accordance with Section 31, of the Municipal Act, Chapter 25, S.O. 2001.

4. This By-law shall come into force and take effect on its passing.

GIVEN FIRST AND SECOND READING _____________
GIVEN THIRD AND FINAL READING _____________

CITY CLERK

MAYOR
Schedule “A”

All and Singular that certain parcel or tract of land and premises situate, lying and being in the City of Kingston, in the province of Ontario, being part of Lot 2, Registered Plan Number C-10, containing by admeasurement 0.037 Acres, more or less, and more particularly described as follows:

**COMMENCING** at the Sount West Corner of Lot 2, Registered Plan Number C-10, being the intersection of the Easterly limit of Bagot Street with the Northerly limit of Dufferin Street.

**THENCE** North 77 degrees, 30 minutes East along the Southerly limit of Lot 2 a distance of 8.58 feet;

**THENCE** North 20 degrees, 33 minutes, West 191.17 feet to an iron bar;

**THENCE** South 69 degrees, 27 minutes West along a picket fence existing in May 1966 a distance of 8.50 feet to the Westerly limit of Lot 2;

**THENCE** South 20 degrees 33 minutes East along the Westerly limit of Lot 2, being also the Easterly limit of Bagot street 189.96 feet to the Point of Commencement.
TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting-Commissioner, Planning & Development Services
PREPARED BY: Steven Chew, Senior Planner, Development Approvals
DATE OF MEETING: August 17, 2004
SUBJECT: Application for Removal of Holding ‘-H’ Provision
1130 Midland Avenue, Wal-Mart
Our File No. D28-009-2004
(Related files: D09-001-2004 and D14-001-2004)

RECOMMENDATION TO COUNCIL:

WHEREAS Wal-Mart Canada Corp. has submitted an application requesting that the ‘-H’ Holding Symbol be lifted from the property known municipally as 1130 Midland Avenue, located on the east side of Midland Avenue and south of Cataraqui Woods Drive; 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 has complied with the conditions for the removal of the ‘-H’ Holding Symbol as follows:

- confirmation of adequate sewage capacity to service the proposed Department Store has been received from Utilities Kingston, this capacity to be supplied through the construction of new services through a Site Plan Control Agreement;
- all Municipal requirements are contained within the Site Plan Control Agreement and are shown on the approved site plan drawings; the terms of the agreement and the drawings were presented to the Planning Committee for approval on August 12th, 2004;
- the Site Plan Control Agreement has been executed by the Owner and returned to the Municipality for registration together with the required final plans and financial security;
- there are no outstanding unpaid fees or invoices owed to the City of Kingston; 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 Schedule “A” to Zoning By-Law 76-26 of the former Township of Kingston, as amended, be further amended by removing the ‘-H’ Symbol for the lands located on the east side of Midland Avenue and south of Cataraqui Woods Drive, 1130 Midland Avenue, so as to rezone the subject lands from General Shopping Centre Commercial Zone ‘C5-11-H’ to General Shopping Centre Commercial Zone ‘C5-11’, 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 Wal-Mart Canada Corp., for removal of a ‘-H’ Holding Symbol from the property located at 1130 Midland Avenue. 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 property, consisting of approximately 6.37 ha, is located on the east side of Midland Avenue between Cataraqui Woods Drive and Princess Street. The surrounding land use is predominately industrial and commercial land uses. The lot in question is currently a vacant lot. The lands to the north are vacant but are zoned and designated for industrial uses; the lands to the east are occupied by a concrete batching and forming operation, Canada Lafarge Ltd.; to the south are commercial uses including Loblaws; and, to the west are smaller commercial properties, and further to the west are low density residential homes.

(b) 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 Holding 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 Site Plan Agreement. Pursuant to Council’s adopted procedures (Clause 5, Report No. 7, Meeting No. 2, held 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.

(c) Analysis:
The Owner is requesting that the ‘-H’ Holding Symbol be removed from the property known municipally as 1130 Midland Avenue to permit the construction of an 13,000 square metre department store.

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

1. Confirmation has been received from Utilities Kingston that there is sufficient sewage capacity to service the proposed department store development.

2. The Site Plan Control Agreement has been finalized and will be executed by the Owner and returned to the Municipality for registration. The Owner has submitted the necessary financial securities and copies of Approved Plans required by the Site Plan Control Agreement. All Municipal and agency requirements are contained within the conditions comprising the Site Plan Control Agreement or are detailed on the approved site plan control drawings to be appended to the Agreement.

3. The Owner has submitted the appropriate application to amend By-Law No. 76-26 (Restricted Area 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.

(d) 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 in order to permit the development of a department store.
EXISTING POLICY/BY-LAW:
The property subject to this application for rezoning is designated as Commercial in the Official Plan for the Former Township of Kingston and is Zoned General Shopping Centre Commercial Zone “C5-11-H” in By-Law No. 76-26 for the former Township of Kingston. 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 promotes responsible new development.

FINANCIAL CONSIDERATIONS:
There are no financial considerations to be addressed in this report.

CONTACTS:
Further information with respect to this application and the contents of this Report can be obtained by contacting:
- Steven Chew, Senior Planner, Development Approvals- (384-1770, extension 3216);
- George T. Wallace, Supervisor of Development Approvals (384-1770, extension 3252)
- Bianca M.V. Bielski, Manager of Planning (384-1770, extension 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, Andrew Francis (3249);
- Utilities Kingston, Bob Millard (2338);
- Engineering Division, Peter Huigenbos (3148)

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 and others on the notice list.

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

Appendix No. 1 Draft By-Law.
COUNCIL MEETING 21 AUG 17 '04
REPORT TO CITY COUNCIL
'H' Removal – Wal-Mart
1130 Midland Avenue
(File No. D28-009-2004)

- Page 5 -

Terry 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. 76-26 ('H' REMOVAL)
of the former Township of Kingston

Wal-Mart Canada Corp.
East side of Midland Avenue
1140 Midland Avenue

File No. D28-009-2004
Drafted: August, 2004

The Corporation of the City of Kingston
Planning and Development Services
Planning Division
216 Ontario Street,
Kingston, Ontario
K7L 2Z3
THE CORPORATION OF THE CITY OF KINGSTON

BY-LAW NO. 2004-____

A BY-LAW TO AMEND BY-LAW NO. 76-26, FORMER KINGSTON TOWNSHIP ZONING BY-LAW, TO REMOVE THE '-H' HOLDING SYMBOL RELATED TO THE ‘C5-11-H’ ZONE (Wal-Mart Canada Corp., in the former Township of Kingston).

PASSED:

WHEREAS By-Law No. 76-26 for the former Kingston Township established Holding ('-H') provisions related to the ‘C5-11-H’ Zone, so that development would not be allowed to proceed until such time as all necessary Municipal and Agency requirements had been fulfilled and all necessary Agreements had been executed; and

WHEREAS the applicant (Wal-Mart Canada Corp.) is now requesting that the ‘-H’ Holding Symbol be lifted, and has submitted an application to amend Zoning By-Law No. 76-26 so as to remove the ‘-H’ Holding Symbol; and

WHEREAS the Owner has complied with the conditions for the removal of the ‘-H’ Symbol as follows:
- confirmation has been received of adequate sewage capacity to service the proposed department store development, this capacity to be supplied through the construction of new services through a Site Plan Control Agreement;
- all Municipal requirements are contained within the Site Plan Control Agreement and are shown on the approved site plan drawings;
- the Site Plan Control Agreement has been executed by the Owner and returned to the Municipality for registration together with the required final plans and 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; and:

WHEREAS the Council of the Corporation of the City of Kingston now deems it advisable to amend Zoning By-Law No. 76-26, so as to remove the said ‘-H’ Holding Symbol from the property located at 1130 Midland Avenue, and allow the development of the subject lands for a 13,000 square metre department store:

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 Map No. 3 of Schedule “A” to Zoning By-Law No. 76-26 of the former Township of Kingston, as amended, be further amended by removing the ‘-H’ Symbol for the lands described as Part of Lot 10, Concession 3 and known municipally as 1130 Midland Avenue, located on the east side of Midland Avenue and south of Cataraqui Woods Drive, so as to rezone the subject lands from General Shopping Centre Commercial Zone ‘C5-11-H’ to General Shopping Centre Commercial Zone ‘C5-11’, 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: D28-04
Address: 1130 Midland Rd
Plan No.: RP 13R6790, Pt 8; RP 13R10346, Pt 5; RP 13R10655 Pt 15 & 16; RP 13R7313, Pt 1
Lot/Conc.: Con 3, Part Lots 10
Roll No.: RP 13R10349, Pt 9

Scale: 0 25 50 75 100 m

This map is not to be used for precise scaling.

Date: July 29, 2004
Prepared by: L. Filice

Legend:
- Zone Changes from 'C5-11-H' to 'C5-11'

Certificate of Authentication
This is Schedule 'A' to By-law No. passed this ______ day of ________ 20____.

Mayor

Clerk