TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Planning & Development Services
PREPARED BY: Wendy Tse, Senior Planner, Development Approvals
DATE OF MEETING: November 30, 2004
SUBJECT: Application To Lift Holding ‘-H’ Symbol
700 Gardiners Road
Trinity Property Holdings Inc.-Applicant, Holzman Consultants-Agent
Planning File No. D28-10-2004

RECOMMENDATION TO COUNCIL:

WHEREAS Trinity Property Holdings Inc. has submitted an application requesting that the ‘-H’ Holding Symbol be lifted from 700 Gardiners Road located on Part of Lot 10, Concession 2; 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:

- Compliance with the provisions of Section 6(6) of Zoning By-Law No. 76-26;
- Site servicing has been provided to the satisfaction of Utilities Kingston and the City, including any necessary agreements;
- A Phase II Environmental Assessment has been submitted and approved; 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’ 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 Zoning Map No. 5 to Schedule ‘A’ of By-Law No. 76-26, Township of Kingston Zoning By-Law, as amended, be further amended by removing the ‘-H’ Symbol for the lands located
RECOMMENDATION TO COUNCIL (Cont’d):

at 700 Gardiners Road so as to rezone the subject land from ‘C5-10-H’ Modified General Shopping Centre Commercial - Holding to ‘C5-10’ Modified General Shopping Centre Commercial, 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 Council for all three readings.

ORIGIN/PURPOSE:

This matter originates in an application submitted by Holzman Consultants Inc., on behalf of Trinity Property Holdings Inc., for removal of the ‘-H’ Holding Symbol from 700 Gardiners Road. The purpose of this report is to assess the merits of the request and to make a recommendation to Council respecting removal of the ‘-H’ Holding Symbol.

OPTIONS/DISCUSISON:

(a) Site Location and Description:
The subject 9.3 hectare (22.9 acre) vacant site is located at the southeast quadrant of Gardiners Road and Taylor-Kidd Boulevard. It has approximately 280m frontage along Taylor-Kidd Boulevard and 386m along Gardiners Road. Entell Road provides 93.9m of private road frontage. The site is zoned ‘C5-10-H’ Modified General Shopping Centre Commercial Holding in Zoning By-Law No. 76-26, former Township of Kingston.

The following land uses surround the subject site:
North - commercial development;
East - vacant industrial building;
South - commercial development; and
West - commercial development.

(b) Background:
The site was subject to a Zoning By-Law amendment with final approval of the amendment effective on September 7, 2004. The amendments addressed the site specific characteristics of the proposal that is to be constructed. An ‘H’ symbol was placed on the zoning specifically to ensure the appropriate development of the subject site.

Given that the subject site forms part of a property previously used for industrial purposes, there is a potential for contamination of the site’s soil and groundwater as well as the potential for buried industrial wastes. In order to determine the quality of soils and groundwater, a detailed and current Phase II Environmental Assessment, prepared by a qualified environmental professional, is required. This report has been prepared and submitted to the City for review.

OPTIONS/DISCUSISON (Cont’d):
(b) **Background (Cont’d):**
   A servicing plan is to be prepared providing for appropriate connections to Municipal services for both the severed and retained parcels. These are to be reviewed and approved by Utilities Kingston and the City and an executed agreement for the construction of the separate services are to be in place for both parcels.

   Development was therefore not to proceed until the following had been completed and submitted to the satisfaction of the City of Kingston:
   (i) Phase II Environmental Assessment;
   (ii) servicing plan; and
   (iii) all other requirements of Zoning By-Law No. 76-26 with respect to the removal of the ‘-H’ symbol.

   The above conditions have now been fulfilled and necessary approvals for site servicing and the Environmental Assessment have been received. The execution of the Site Plan Control Agreement is pending as all technical issues have been resolved.

(c) **Procedural Information:**
   Zoning By-Laws to remove ‘-H’ Holding Symbols are typically technical in nature as the planning issues related to the use of the ‘-H’ Symbol and the conditions for its removal have been established as part of the initial rezoning process. Also, any technical issues and required clearance letters are generally addressed through the review and approval of the final engineering plans and the conditions established by Council and contained within the Subdivision Agreement. Pursuant to Council’s adopted procedures (Clause 5, Report No. 7, Meeting No. 2, held on 1998-12-5), reports dealing with applications for removal of an ‘-H’ Symbol are referred directly to City Council. This process was instituted as a streamlining initiative to reduce the processing time for applications and in recognition of the fact that the conditions for such removal have already been clearly established by the Planning Committee and Council. This direct process was determined to be more efficient given the fact that such applications are generally submitted towards the end of the planning process when timing may be critical to the developer.

(d) **Analysis:**
   The Owner is requesting that the ‘-H’ Holding Symbol be removed from the property located at 700 Gardiners Road to permit the construction of 22,300 square metres (240,043 square feet) of commercial space.

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

   (i) all necessary Agency and / or Municipal clearance letters for the development have been received;

   (ii) all necessary environmental studies have been submitted and deemed acceptable; and

**OPTIONS/DISCUSSION (Cont’d):**

(d) **Analysis (Cont’d):**
(iii) the Owner has submitted the appropriate application to amend By-Law No. 76-26 so as to remove the ‘-H’ Symbol for the subject lands. This amendment has been processed in accordance with the Notice Regulations of the Planning Act.

(e) Conclusion:
The intent of the ‘-H’ Holding Symbol on the subject property was to restrict development until such time as all necessary Municipal and agency requirements has been fulfilled. 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 proposed commercial development at 700 Gardiners Road.

EXISTING POLICY/BY-LAW:
The subject site is designated Commercial for a depth of approximately 200 metres from Gardiners Road and Light Industrial for the remaining eastern portion of the property in the Official Plan of the former Kingston Township. The site is also located within the Special Policy Area known as the “Loop”. It is zoned ‘C5-10-H’ Modified General Shopping Centre Zone in Zoning By-law 76-26, Township of Kingston. The proposed use for the property complies with the policies of both the Official Plan and the requirements of the Zoning By-Law.

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

FINANCIAL CONSIDERATIONS:
None.

CONTACTS:
Further information with respect to this application and the contents of this Report can be obtained by contacting:
- Wendy Tse, Senior Planner, Planning Division (384-1770, ext. 3219);
- George T. Wallace, Supervisor, Development Approvals (384-1770, extension 3252); or
- Bianca M.V. Bielski, Manager, Planning Division (384-1770, extension 3250).

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
- Environment Division (Paul MacLatchy);
- Engineering Division (Jim Fowler);
- Building Division (Ted Marecak); and
- Utilities Kingston (Erika McEachran).

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 sufficient 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 those requesting notice.

APPENDICES:

Appendix No. 1  –  Draft By-Law
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)
Former Kingston Township Zoning By-Law

Trinity Property Holdings Inc.
700 Gardiners Road

File No. D28-010-2004
Drafted: November, 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, TO REMOVE THE ‘-H’ HOLDING SYMBOL RELATED TO THE ‘C5-10-H’ ZONE (Trinity Property Holdings Inc.), 700 Gardiners Road.

PASSED:

WHEREAS Trinity Property Holdings Inc. has submitted an application requesting that the ‘-H’ Holding Symbol be lifted from 700 Gardiners Road located on Part of Lot 10, Concession 2; 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:

- Compliance with the provisions of Section 6(6) of Zoning By-Law 76-26;
- Site servicing has been provided to the satisfaction of Utilities Kingston and the City, including any necessary agreements;
- A Phase II Environmental Assessment has been submitted and approved; 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’ Holding Symbol:

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 Zoning Map No. 5 to Schedule ‘A’ of By-Law No. 76-26, Township of Kingston Zoning By-Law, as amended, be further amended by removing the ‘-H’ Symbol for the lands located at 700 Gardiners Road so as to rezone the subject land from ‘C5-10-H’ Modified General Shopping Centre Commercial - Holding to ‘C5-10’ Modified General Shopping Centre Commercial, 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
TO: Bert Meunier, Chief Administrative Officer
FROM: Mark Segsworth, Commissioner, Operations Services
PREPARED BY: John Giles, Manager, Solid Waste Division
DATE OF MEETING: 2004-11-30
SUBJECT: Waste Management System - Fees By-law

RECOMMENDATION TO COUNCIL:
That a by-law to establish a tariff of fees for the use of the solid waste management system be passed.

ORIGIN/PURPOSE:
Ontario Regulation 244/02 under the Municipal Act, 2001 came into force on January 1, 2003. It specifies procedures that the City must follow in order to impose fees on a number of services, including waste management.

The Regulation dictates that any fee imposed may not exceed the cost of providing the service; that the fee must be established by a by-law; and that the by-law will expire on December 31 of the year following the year in which the by-law was passed or on December 31, 2004 for those by-laws that were in force on January 1, 2003. A by-law to establish fees with respect to the waste management system in the City of Kingston must be passed by December 31, 2004. A draft by-law is attached as Appendix A.

OPTIONS/DISCUSSION:
Fees are charged for disposal of waste at the Kingston East landfill; for garbage bag tags; for Industrial, Commercial and Institutional (ICI) users of the Kingston Area Recycling Centre (KARC), the hazardous waste facility and compost sites; for additional blue boxes, composters, compost turners, kitchen pails and lids, blue bags and the use of the weigh scales.

Before passing a by-law imposing fees or charges, the Regulation requires that the City hold at least one public meeting and ensure a minimum 21 days notice of the meeting at which any person who attends has an opportunity to make representation with respect to the matter. The public meeting was held at 7:15 pm on November 30, 2004.

EXISTING POLICY/BY-LAW:
Former Township of Pittsburgh By-law No. 36-95 entitled “Being a by-law to regulate and maintain a system for the collection, removal and disposal of ashes, garbage and other refuse”.
By-law No. 181 entitled “A by-law to provide for the collection, removal and disposal of garbage, ashes and other refuse”.

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LINK TO STRATEGIC PLAN:
The Environment.

FINANCIAL CONSIDERATIONS:
Revenues from fees are included in the operating budget. These fees recover less than 2% of the gross expenditures, with the balance coming from the sale of recovered recyclable materials (at market prices), recoveries from other municipalities using City facilities, grants and from taxes.

CONTACTS:
John Giles, Manager, Solid Waste Division.................546-4291 ext. 2701

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Legal Services – Alan McLeod, Senior Legal Counsel
Finance – Gerard Hunt, Manager

NOTICE PROVISIONS:
21 days notice is required as per Section 12 (6) (b) of O. Reg. 244/02 under the Municipal Act, 2001. The notice was published in the Kingston Whig Standard on October 30, 2004 and is attached as Appendix B. The public were advised in the notice that Council intends to pass a by-law to establish a tariff of fees for the use of the solid waste management system and that background information pertaining to the by-law was available. The information package is attached as Appendix C.

APPENDICES:
A – Draft By-law 2004-xxx “A By-law To Establish A Tariff Of Fees For The Use Of The Solid Waste Management System”
B – Notice of a public meeting to pass a by-law establishing the solid waste management system fees
C – Information package regarding the proposed by-law

Mark Segsworth
Commissioner, Operations Department

Bert Meunier
Chief Administrative Officer
Appendix A
City of Kingston
Ontario
BY-LAW NO. 2004-xxx
A BY-LAW TO ESTABLISH A TARIFF OF FEES
FOR THE USE OF THE SOLID WASTE MANAGEMENT SYSTEM
PASSED: ,2004

WHEREAS Ontario Regulation. 244/02, entitled “Fees and Charges”, brought into force pursuant to the Municipal Act, 2001 states at section 12(4) that in the case of a by-law providing for fees or charges for the use of a waste management system which was in force on the day Ontario Regulation 244/02 came into force, that by-law expires on December 31 of the year following the year in which this Regulation comes into force.

AND WHEREAS the City of Kingston has a number of by-laws providing for fees or charges for the use of a waste management system which were in force the on the day Ontario Regulation 244/02 came into force and which expire on December 31, 2004.

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

1. The fees prescribed pursuant to Schedule “A” of By-Law No. 36-95 entitled “Being A By-Law To Regulate And Maintain A System For The Collection, Removal And Disposal Of Ashes, Garbage And Other Refuse (former Township of Pittsburgh)” are hereby repealed and substituted with the following fees and charges:
   a. A fee of $110.00 per metric tonne shall apply to waste accepted for disposal at the Kingston East Landfill calculated on total waste delivered monthly.
   b. A minimum fee of $15.00 shall apply to small quantities of waste accepted for disposal pursuant to section 1(a). The minimum fee shall be waived if such small quantities of waste has affixed to it one (1) pre-purchased tag per container issued pursuant to the provisions of By-law 99-191.
   c. A fee of $3.00 per car tire, defined as a tire of less than 16 inches in diameter, and $8.75 per truck tire, defined as a tire of more than 16 inches in diameter, or parts thereof shall apply to tires accepted for disposal at the Kingston East Landfill.
   d. A fee of $20.00 per refrigeration unit containing Chlorofluorocarbons (or CFCs), including but not limited to refrigerators, freezers and air conditioners, shall apply to refrigeration units accepted for disposal at the Kingston East Landfill. The fee shall be waived if such small quantities of waste has affixed to it ten (10) pre-purchased tags per unit issued pursuant to the provisions of By-law 99-191.
   e. All waste accepted will be receipted by the Caretaker of the Kingston East Landfill at the time of delivery. All material will be invoiced to the hauler of the waste on a monthly basis, with minimum fees applying as applicable. Any fees payable pursuant to this section shall be waived where they arise in relation to waste generated by the Solid Waste Division of the Corporation of the City of Kingston or its agents.

2. The fee in relation to tags for bags or cans in excess of the limits established pursuant to the provisions of By-laws 2004-298, 2004-299 and 2004-321 shall be $2.00 per tag.

3. Section 24 of By-law 181 entitled “A by-law to Provide for the Collection, Removal and Disposal of Garbage, Ashes and Other Refuse” is deleted.

4. a. The fee established by section 27(3) of By-law 181 entitled “A by-law to Provide for the Collection, Removal and Disposal of Garbage, Ashes and Other Refuse” is hereby repealed and substituted with a
fee charged to Industrial, Commercial and Institutional users for disposal of compostable materials at Kingston Central and East Composting sites which shall be $50.00 per metric tonne. The fee shall be waived to commercial users where the source of the material is residential.

b. Notwithstanding Section 4, The Corporation of the Town of Gananoque shall be charged $40.00 per metric tonne for the year 2004, after which they shall be considered an Institutional user.

5. Fees in relation to the following categories shall be:
   a. Blue boxes - $6 for 2nd box
   b. Composters - $30 except $20 during annual truckload sale
   c. Compost turners - $13
   d. Compost kitchen pails - $9
   e. Compost kitchen pails – previous stock - $4
   g. Compost kitchen pail lids – previous stock - $2
   h. Blue bags - $3.75
   i. Use of the weigh scales at the Kingston Area Recycling Centre - $10 per transaction

6. Fees in relation to the following categories charged to Industrial, Commercial and Institutional users at the Kingston Area Recycling Centre shall be adjusted monthly based on market conditions at the delegated discretion of the Manager of Solid Waste. As of October 2004 these categories and fees were as follows:
   a. Mixed plastic containers (typical blue box mix) - $20 per tonne
   b. Polycoat - $45 per tonne
   c. Film plastic - $30 per tonne
   d. Polystyrene (Styrofoam) - $80 per tonne
   e. Glass containers - $85 per tonne
   f. Other categories may be established from time to time as the need arises

7. Fees in relation to the following materials delivered to the Hazardous Waste Facility located at the Kingston Area Recycling Centre shall be charged to Industrial, Commercial and Institutional users according to the following categories:
   a. Hazardous Waste in containers:
      i. Acids, caustics, oxidizers, pesticides, misc. organics, misc. inorganics, pharmaceuticals, grease; solvents (gas, varsol, etc.); paints, stains and flammables - $2 per litre; $9 per 4.5 litre; $45 per 25 litre
      ii. Paints & solvents with sludge - $3 per litre; $12 per 4.5 litre; $60 per 25 litre
      iii. Motor oil, antifreeze - $0.25 per litre; $1 per 4.5 litre; $5 per 25 litre
   b. Hazardous Waste in bulk:
      i. Oil and antifreeze - $60 / 205 litre drum
      ii. Solvents, misc. organics, paint sludge - $175 / 205 litre drum
   c. Hazardous Waste – Other Materials:
      i. Aerosols, oil filters - $1 each unit
      ii. Household batteries - $5 per kilogram
      iii. Propane tanks, automotive batteries - $2 each
      iv. Sharps - $2 per kilogram
      v. Ballast with PCB's - $5 each
      vi. Fluorescent tubes - $0.50 per linear foot with a maximum of 100 linear feet per delivery
   d. Other categories may be established from time to time as the need arises.

8. This By-Law shall come into force and take effect on the date of its passing.

CITY CLERK

MAYOR
Appendix B

NOTICE OF PUBLIC MEETING

A Public Meeting will be held on
November 30, 2004
at 7:15 p.m.
in Council Chambers, City Hall
216 Ontario Street, Kingston, Ontario

A By-Law To Establish A Tariff Of Fees For The Use of The Solid Waste Management System

Notice is hereby given pursuant to the Municipal Act 2001 – Ontario Regulation 244-02, that the Corporation of the City of Kingston intends to pass a by-law “To Establish A Tariff of Fees For The Use of The Solid Waste Management System.” This By-Law establishes the rates charged by the City of Kingston for the use of a waste management system.

An Information Package will be available at City Hall (Council Support Office (216 Ontario Street) or by contacting Nicole Sullivan at 546-4291 ext 1232. The proposed public meeting is scheduled for November 30th, 2004."

Written comments can be forwarded to: City of Kingston, Attn: City Clerk, 216 Ontario Street, Kingston Ontario, K7L 2Z3. Council shall hear any person who wishes to address this issue at the Public Meeting.

Carolyn Downs
City Clerk
Appendix C

INFORMATION PACKAGE regarding a proposed by-law being:

A BY-LAW TO ESTABLISH A TARIFF OF FEES
FOR THE USE OF THE SOLID WASTE MANAGEMENT SYSTEM

as per Ontario Regulation 244/02 under the Municipal Act, 2001.

(i) A description of the services for which the fee is being imposed:

Fees are charged for disposal of waste at the Kingston East landfill; for garbage bag tags; for Industrial, Commercial and Institutional (ICI) users of the Kingston Area Recycling Centre (KARC), the hazardous waste facility, and the compost sites; for additional blue boxes, composters, compost turners, kitchen pails and lids, blue bags and the use of the weigh scales.

(ii) An estimate of the cost of providing the solid waste management system:

The waste management system has an approved 2004 gross operating budget of $9.6 million. The fees are budgeted to recover approximately $140,000 of this amount. The fees supplement tax revenue, grants, reserve funds, sale of materials and recoveries from other municipalities.

(iii) The amount of the fees:

Disposal at Kingston East landfill:
- Acceptable waste (monthly) $110 / tonne
- Minimum monthly fee $15
- Car tire < 16" dia $3
- Larger tires $8.75
- Items containing CFC’s $20
- Bag tags $2

Miscellaneous fees:
- Blue boxes (not replacements) $6
- Composters $30
- Composters during truckload sale $20
- Compost turners $13
- Compost kitchen pails $9
- Compost kitchen pails (previous stock) $4
- Compost kitchen pail lids (previous stock) $2
- Blue bags $3.75
- Use of weigh scales $10

ICI compost site users $50 / tonne
ICI recyclables - rates adjusted monthly based on market pricing (Oct 2004 fees shown):
- Mixed plastic containers $20 / tonne
- Polycoat $45 / tonne
- Film plastic $30 / tonne
- Polystyrene $80 / tonne
- Glass containers $85 / tonne
ICI hazardous waste:

- Acids, pesticides, paints, etc. $\text{\$2/litre; \$9/4\frac{1}{2}\text{ litre}; \$45/25\text{ litre}}$
- Paints & solvents with sludge $\text{\$3/litre; \$12/4\frac{1}{2}\text{ litre}}$
  $\text{\$60/25\text{ litre; \$175/drum}}$
- Oil & antifreeze $\text{\$0.25/litre; \$1/4\frac{1}{2}\text{ litre}}$
  $\text{\$5/25\text{ litre; \$60/drum}}$
- Aerosols & oil filters $\text{\$1}$
- Household batteries $\text{\$5/kg}$
- Propane tanks, auto batteries $\text{\$2}$
- Sharps (syringes) $\text{\$2/kg}$
- Ballasts with PCB’s $\text{\$5}$
- Fluorescent tubes $\text{\$0.50/linear foot (max. 100 ft)}}$

(iv) The rationale for imposing the fee:

Fees for garbage disposal and bag tags recover costs beyond the basic level of service and encourage waste reduction.

Blue boxes, kitchen items and compost turners are priced at their approximate cost. Composters are priced at less than cost in accordance with Ontario Regulation 101/94.

Fees for ICI users are imposed because diversion programs have been sized and structured primarily for residential properties. Fees are set to recover the cost of processing, marketing and disposal and are set at a level to ensure that residents are not subsidizing the ICI sector. The facilities are not set up or priced to compete with commercial companies.
TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Planning & Development Services
PREPARED BY: Wendy Tse, Senior Planner, Development Approvals
DATE OF MEETING: November 30, 2004
SUBJECT: Community Hall-Development Agreement
Block 10, Registered Plan 13M-39, 136 Ellesmeer Avenue
"Walnut Grove", Phase 4
Dacon Construction Ltd.

RECOMMENDATION TO COUNCIL:

WHEREAS Dacon Construction Ltd. has submitted a request for the construction of a community hall located on Block 10, Registered Plan 13M-39 of "Walnut Grove", Phase 4 prior to site plan approval; and

WHEREAS Council has approved the required Zoning Amendment to permit the proposed development:

THEREFORE BE IT RESOLVED that the Mayor and City Clerk be authorized to enter into the requisite agreement on behalf of the City to permit the construction of the community hall on Block 10, Registered Plan 13M-39.

ORIGIN/PURPOSE:

The purpose of this report is to recommend that the City enter into an agreement with Dacon Construction Ltd. to permit the construction of a community hall prior to site plan approval of Phase 4 of the "Walnut Grove" Subdivision.

OPTIONS / DISCUSSION:

a) Background

Dacon Construction Limited has applied for permission to commence construction of a private community hall within the "Walnut Grove" Subdivision. At the present time, the Subdivision Agreement has been registered, however, the Site Plan Control Agreement, which includes the subject development, is undergoing review by the City.

The registration of the Development Agreement will permit the commencement of construction of the community hall prior to Site Plan Control approval.
OPTIONS / DISCUSSION (Cont'd):

b) Analysis

The Model Home Agreement was instituted by the City in 2003 in order to stream-line the approval process in certain circumstances prior to the final approval of all necessary agreements or the lifting of the ‘-H’ Holding symbol related to the zoning. The proposed Development Agreement is similar in nature to the Model Home Agreement, however, the development is for a community hall rather than a dwelling. While the Manager of Planning has been delegated the authority to approve the Model Home Agreement, the subject Agreement requires the authorization of Council to direct the Mayor and City Clerk to enter into the Agreement on behalf of the City.

The Subdivision Agreement for Phase 4 of the “Walnut Grove” Subdivision has been finalized and registered as Registered Plan 13M-39. The servicing and lot configuration were reviewed and approved prior to registration indicating all municipal requirements with respect to the servicing and configuration of the development of the subdivision have been satisfied. Site Plan Control is required as each phase will be developed simultaneously and is greater than 7 dwelling units. The necessary meetings between the service providers, the City and the applicant have taken place and servicing is underway. The community hall will be a private gathering place for the residents of the “Walnut Grove” community for social and private events.

The execution of the Agreement, along with the deposit of the necessary security, will permit the issuance of a building permit provided the Building Division is satisfied with the construction drawings. The Agreement will be registered at the Registry Office.

The Development Agreement will contain all of the clauses that are normally contained in a Model Home Agreement, including indemnification of the City from any actions or claims, that the Agreement does not obligate the City in its review and approval of the Site Plan Control application, and that the Owner assumes all risks in commencing construction prior to full Site Plan Control Approval.

EXISTING POLICY / BY-LAW:

By-Law No. 98-1, the “Council Procedural By-Law”, provides as follows in Section 8.9:

“The Head of Council or the Presiding Officer in his/her absence and the City Clerk are hereby authorized to sign and seal all by-laws and agreements which have been approved by Council.”

In accordance with this By-Law provision, the Mayor and Clerk are authorized to sign, on behalf of the Corporation, all By-Laws and Agreements approved by Council.

LINK TO THE STRATEGIC PLAN:

N/A

FINANCIAL CONSIDERATIONS:

N/A
CONTACTS:
- Wendy Tse, Senior Planner, Planning Division (384-1770, ext. 3219);
- George T. Wallace, Supervisor, Development Approvals (384-1770, extension 3252); or
- Bianca M.V. Bielski, Manager, Planning Division (384-1770, extension 3250).

DEPARTMENTS CONSULTED AND AFFECTED:
- Engineering Division;
- Legal Division.

APPENDICES:

Appendix 1 – Key Map
Appendix 2 – Plot Plan
Terry Willing, Acting Commissioner
Planning & Development Services

Bert Meunier
Chief Administrative Officer

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APPENDIX NO. 1

KEY MAP
APPENDIX NO. 2

Plot Plan (Unapproved)