



**City of Kingston
Report to Planning Committee
Report Number PC-16-037**

To: Chair and Members of Planning Committee
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director, Planning, Building & Licensing Services
Date of Meeting: April 21, 2016
Subject: Public Meeting Report
Application for Zoning By-Law Amendment
5059 Leo Lake Road
File Number D14-007-2016
Applicant – Mark Touw (IBI Group)

Executive Summary:

The following is a Public Meeting report to the Planning Committee regarding an application for a zoning by-law amendment for a property known municipally as 5059 Leo Lake Road. This report describes the purpose and effect of the requested application and includes an overview of the relevant policies and regulations that apply to the subject property.

The subject property is designated 'Rural' and 'Environmental Protection Area' in the Official Plan, and is zoned General Rural Zone 'A2' in Zoning By-Law Number 32-74.

The applicant is proposing to amend the zoning by-law to facilitate consent applications (File Numbers D10-215-2015 & D10-216-2015) to sever two waterfront properties from the original land holding. The proposed zoning by-law amendment is to implement the recommendations of the Environmental Impact Study and comments from the Cataraqui Region Conservation Authority (CRCA), specifically to increase the minimum Water Setback (Section 5(22) of Zoning By-Law Number 32-74) from 15 metres to 40 metres and establish the building envelopes on the severed parcels.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER _____
Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER _____
Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Cynthia Beach, Corporate & Strategic Initiatives	Not required
Denis Leger, Transportation, Facilities & Emergency Services	Not required
Jim Keech, President and CEO, Utilities Kingston	Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:

This report provides information on a proposed amendment to the former Township of Pittsburgh Zoning By-Law Number 32-74, which is the subject of this Public Meeting.

On February 8, 2016 a zoning by-law amendment application was submitted by Mark Touw (IBI Group) for the purpose of establishing an increased water setback and facilitating consent applications to sever two waterfront properties. On March 3, 2016 the zoning by-law amendment application was deemed complete, in accordance with the *Planning Act*.

Site Characteristics

The subject site is approximately 6.28 hectares in size and is located in the former Township of Pittsburgh, now the City of Kingston, and is known municipally as 5059 Leo Lake Road (Exhibit A – Key Map). The subject property has approximately 638 metres of road frontage on Leo Lake Road and 700 metres of water frontage on Leo Lake. The subject property is presently occupied by a single detached dwelling and two accessory buildings.

The subject property is located in a rural portion of the City on the north shore of Leo Lake, south of Leo Lake Road. The property is surrounded by limited residential development; the majority of waterfront residential development is located on the south shore of Leo Lake. Northeast and northwest of the subject property are natural areas and farmland. The subject property has mixed topography consisting of rock ridges and lowland areas (Exhibit F - Neighbourhood Context (2015)).

Application

The applicant is proposing to sever two parcels from the 6.28 hectare parcel municipally addressed as 5059 Leo Lake Road. The first parcel proposed to be severed would be approximately 2.84 hectares in size with 310 metres of road frontage on Leo Lake Road and water frontage on Leo Lake. The second parcel proposed to be severed would be approximately 2.4 hectares in size with 222 metres of road frontage on Leo Lake Road and water frontage on Leo Lake. The retained parcel would be 1.04 hectares in size with 106 metres of road frontage on Leo Lake Road and water frontage on Leo Lake.

The proposed zoning by-law amendment is to implement the recommendations of the Environmental Impact Study and comments from the Cataraqui Region Conservation Authority (CRCA), specifically to increase the minimum Water Setback (Section 5(22) of Zoning By-Law Number 32-74) from 15 metres to 40 metres and establish the building envelopes on the severed parcels.

In support of the application, the applicant has submitted a planning report – zoning justification, an Environmental Impact Study, a site plan (Exhibit B), a concept plan (Exhibit C) and a Minimum Distance Separation (MDS) Calculation. All development applications are submitted and processed online via the Development and Service Hub – DASH. All supporting studies and information specific to this application is available through the DASH public portal:

<https://www.cityofkingston.ca/business/dash>.

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Public Meeting Process

Anyone who attends the Planning Committee Public Meeting may present an oral submission, and/or provide a written submission on the proposed amendment. Also, any person may make written submissions at any time before City Council makes a decision on the application.

If a person or public body does not make oral submissions at a Public Meeting, or does not make written submissions to the City of Kingston before a decision has been made on the application by City Council, the person or public body is not entitled to appeal the decision to the Ontario Municipal Board and may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to add the person or public body as a party.

Anyone wishing to be notified of Council's decision on the subject application must submit a written request to:

Jason Sands, Intermediate Planner
Planning, Building & Licensing Services Department
The Corporation of the City of Kingston
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3277
jwsands@cityofkingston.ca

The Planning Committee will consider a comprehensive report and recommendation from the Planning Division, respecting the subject application, at a future meeting. The Committee will make its recommendation to City Council at that meeting. The decision of City Council will be final unless appealed.

All persons who made oral or written submissions, or have requested notification in writing, will be given written notice of the future meeting(s) of the Planning Committee at which the subject application will be considered.

Official Plan

The subject property is designated 'Rural' and 'Environmental Protection Area' on Schedule 3-C Land Use Plan of the City of Kingston Official Plan (Exhibit D). The 'Rural' designation includes all agricultural uses and agriculture-related uses as permitted in the Prime Agricultural Area designation, sports and outdoor recreation activities in accordance with Section 3.13.4, and detached dwellings in accordance with Section 3.13.11 and that are compatible with adjacent land uses. The designation also permits secondary farm operations, recreation uses and community uses, in accordance with Sections 3.13.3, 3.13.4 and 3.13.5. Section 3.13.19 provides policies for small-scale industrial and commercial uses in the 'Rural' designation.

The 'Environmental Protection Area' designation limits permitted uses to those related to open space, conservation or flood protection and must be approved in consultation with the Cataraqui Region Conservation Authority. It is the position of the City of Kingston that, "Environmental Protection Areas must be maintained in their natural, undisturbed state." (Section 3.10)

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“Uses within the Environmental Protection Area are limited to those related to open space, conservation or flood protection, and must be approved in consultation with the Cataraqui Region Conservation Authority and the Ministry of Natural Resources, as appropriate. Such uses include water quality management uses, necessary flood control structures or works, erosion control structures or works, and existing agricultural uses. Recreational or educational activities, generally of a passive nature, may be permitted in suitable portions of Environmental Protection Areas only if such activity is not deemed to be harmful to the natural heritage system, does not involve the use of structures or buildings, and does not interfere with any necessary flood control measures.” (Section 3.10.2, Environmental Protection Area, Official Plan)

“In consultation with the Cataraqui Region Conservation Authority, Ministry of Natural Resources, or Parks Canada, as appropriate, other uses may be permitted, including:

- a. New public or private works or utilities such as pipelines, roads, bridges or parking areas, where such facilities are not feasible outside of the Environmental Protection Area;
- b. Docks or boathouses;
- c. Public or private parks, and conservation uses; and
- d. Existing uses as of this Plan’s date of adoption by Council.” (Section 3.10.3, Environmental Protection Area, Official Plan).

The proposed development is consistent with the general purpose and intent of the Official Plan and therefore an amendment to the Plan is not required.

Zoning By-Law

The subject property is zoned General Rural Zone ‘A2’ in Zoning By-Law Number 32-74, as amended (Exhibit E). The residential uses permitted in the zone include an accessory dwelling house and a detached single family dwelling house. Non-residential permitted uses include: a cemetery, farm, farm produce outlet, home occupation, public use and a specialized farm.

Two consent applications have been submitted to seek approval for the creation of two waterfront properties. In order to receive approval for these, a zoning by-law amendment has been submitted to implement the recommendations of the supporting Environmental Impact Study and Cataraqui Region Conservation Authority (CRCA). Specifically the zoning amendment proposes to increase the minimum water setback (Section 5.22 of Zoning By-Law Number 32-74) from 15 metres to 40 metres on the severed parcels and create site specific setbacks to ensure the recommendations from the Environmental Impact Study are implemented.

Previous & Current Applications

The applicant has submitted consent applications (File Numbers D10-215-2015 & D10-216-2015) to sever two waterfront parcels from the original 6.28 hectare parcel. There are no other previous planning applications on the subject property.

Notice Provisions:

Pursuant to the requirements of the *Planning Act*, a notice of the statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 20 days in advance of

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the Public Meeting. In addition, notifications were sent by mail to 13 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property, and a courtesy notice was placed in *The Kingston Whig-Standard*.

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

Contacts:

Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252

Stacey Forfar, Manager, Development Approvals 613-546-4291 extension 3253

Jason Sands, Intermediate Planner 613-546-4291 extension 3277

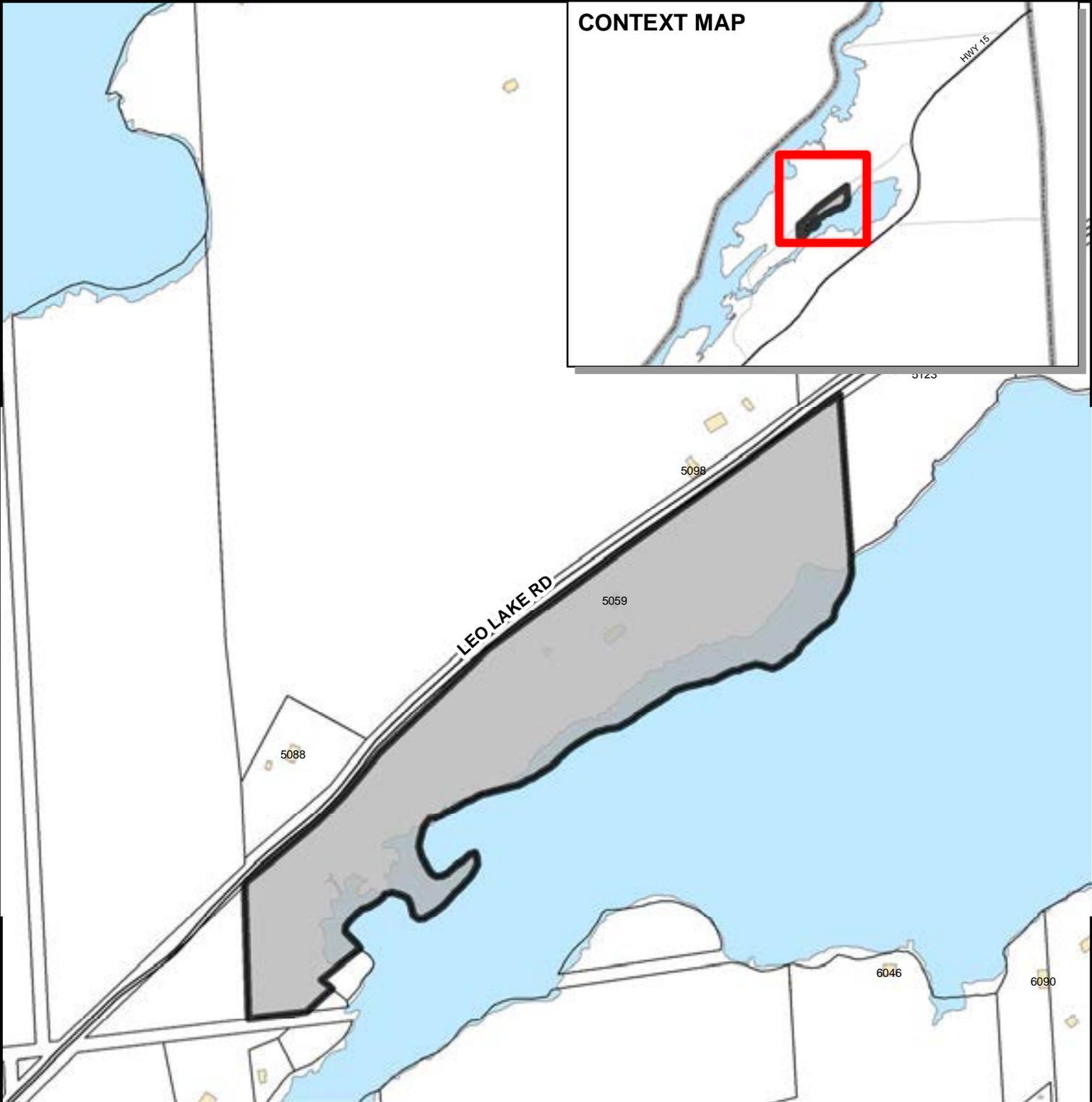
Other City of Kingston Staff Consulted:

The application has been circulated to a number of internal departments and external agencies for review and comments. The responses to the technical circulation will be addressed in the technical review and included in the comprehensive report to be considered at a future Planning Committee meeting.

Exhibits Attached:

- Exhibit A Key Map
- Exhibit B Proposed Site Plan
- Exhibit C Proposed Concept Plan
- Exhibit D Existing Official Plan
- Exhibit E Zoning By-Law Number 32-74, Map 2
- Exhibit F Neighbourhood Context (2015)
- Exhibit G Site Photographs

CONTEXT MAP



Planning, Building & Licensing Services

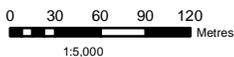
a department of Community Services

PLANNING COMMITTEE
KEY MAP

Applicant: Mark Touw
File Number: D14-007-2016
Address: 5059 Leo Lake Road
Legal Description: CON 10 PT LOT 31 & 32 LEO;LAKE

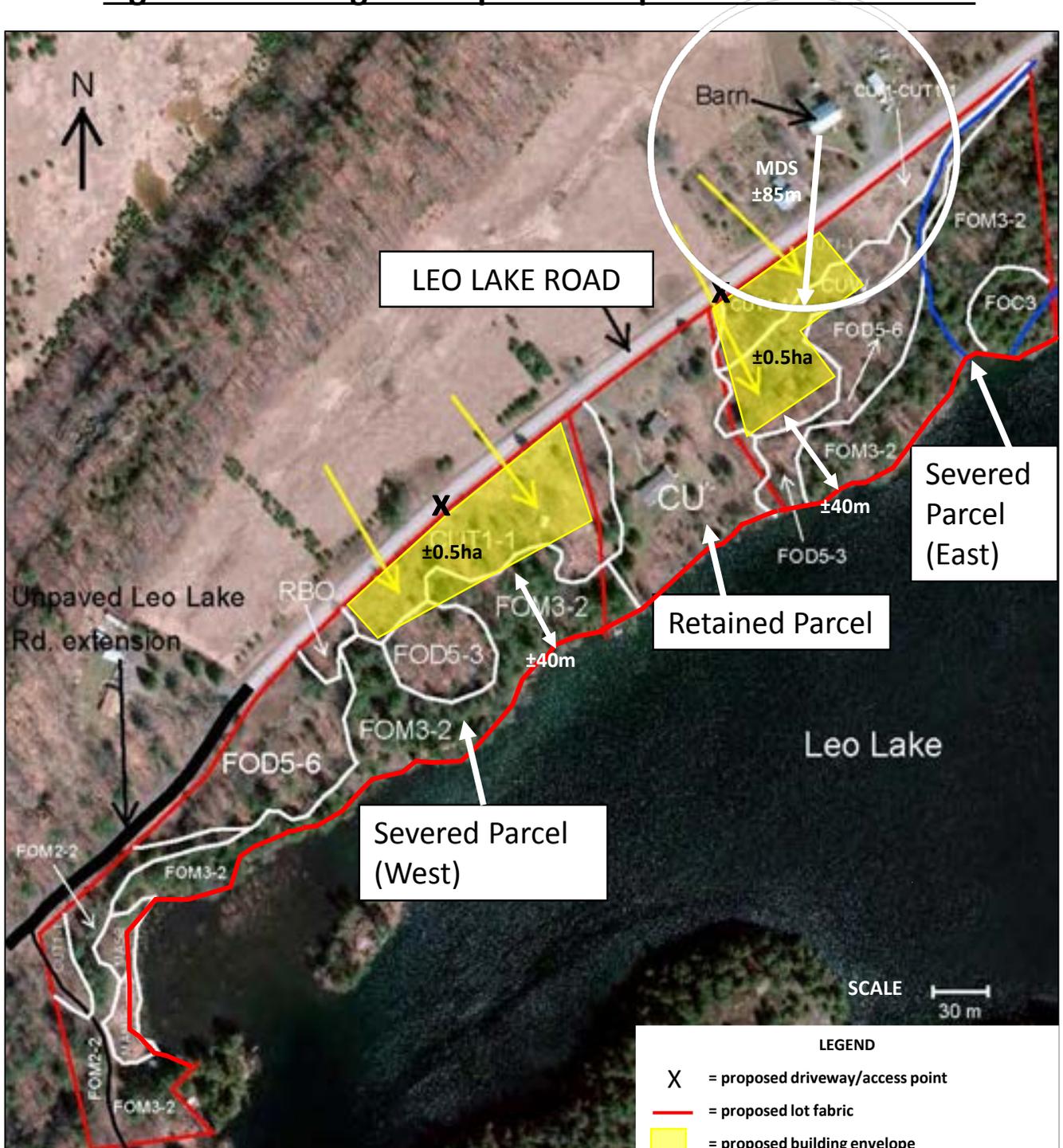
LEGEND

-  Subject Property
-  Property Boundaries

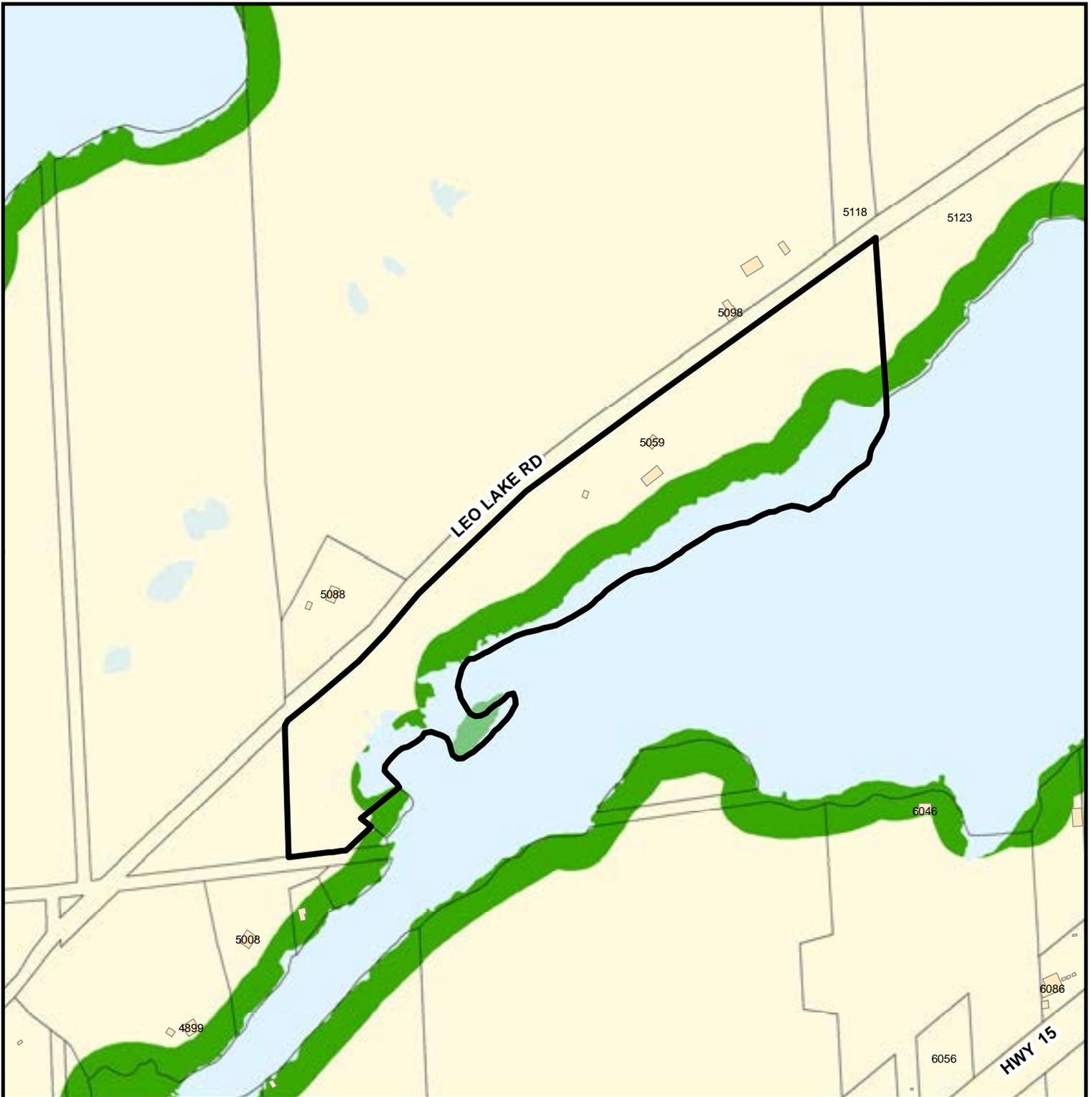


5059 Leo Lake Road – Application for Zoning By-law Amendment
 (Related Consent Applications: D10-215-2015 & D10-216-2015)

Figure 2: Building Envelopes on Proposed Severed Parcels



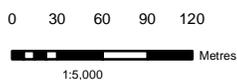
NOTE: All figures are approximate



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PLANNING COMMITTEE
OFFICIAL PLAN, Land Use

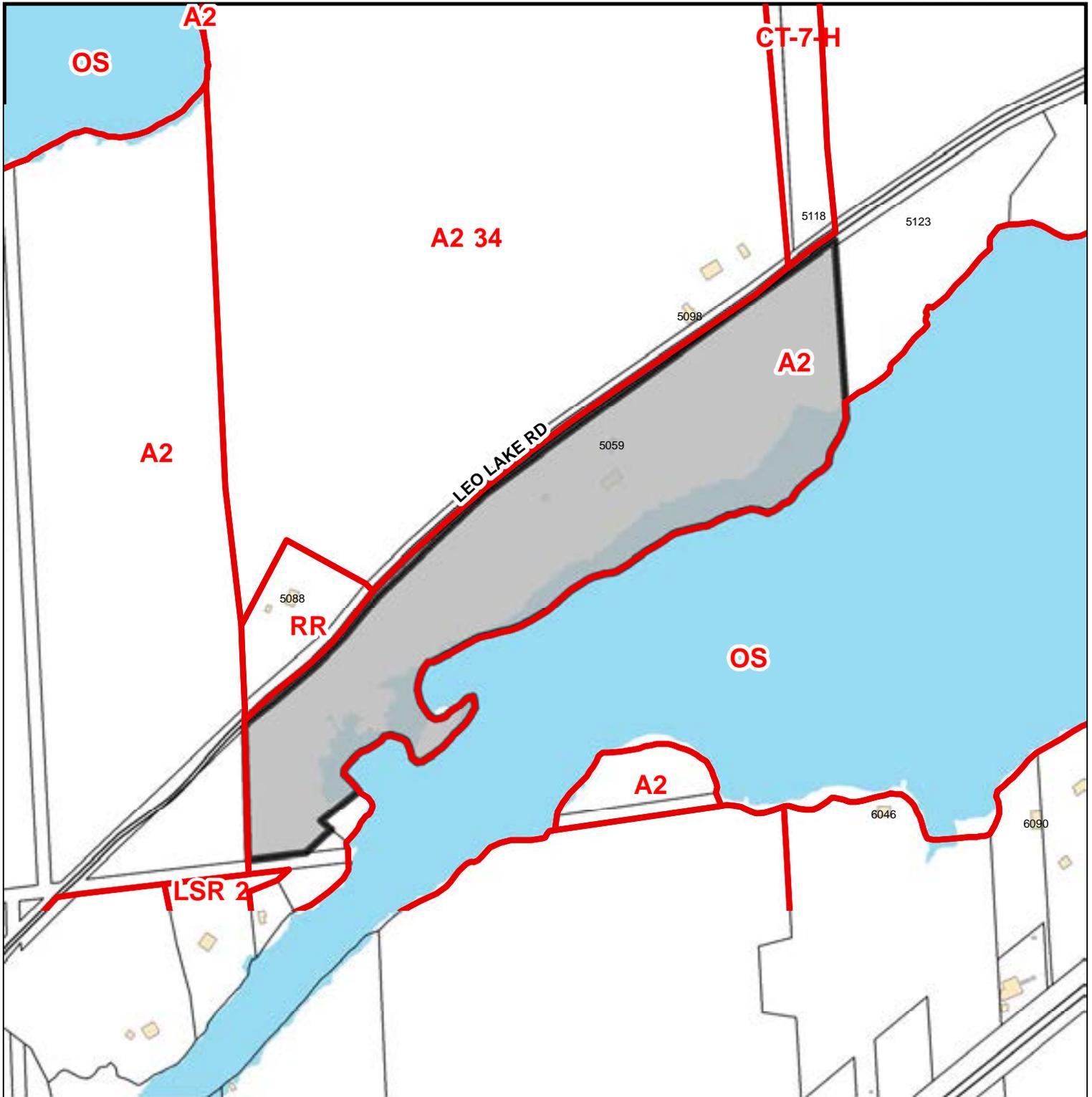
Applicant: Mark Touw
File Number: D14-007-2016
Address: 5059 Leo Lake Road
Legal Description: CON 10 PT LOT 31 & 32 LEO;LAKE



LEGEND

- Subject Property
- Rural
- Environmental Protection Area

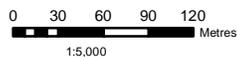




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PLANNING COMMITTEE
ZONING BY-LAW 32-74, Map 2

Applicant: Mark Touw
 File Number: D14-007-2016
 Address: 5059 Leo Lake Road
 Legal Description: CON 10 PT LOT 31 & 32 LEO;LAKE



LEGEND

-  Consolidated Zoning
-  Subject Property
-  Property Boundaries





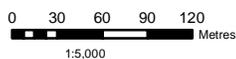
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PLANNING COMMITTEE
NEIGHBOURHOOD CONTEXT (2015)

Applicant: Mark Touw
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 Address: 5059 Leo Lake Road
 Legal Description: CON 10 PT LOT 31 & 32 LEO;LAKE

LEGEND

-  Subject Property
-  Property Boundaries



Site Photographs

