City Of Kingston
Planning Committee
Meeting Number 20-2017
Confirmed Minutes
Thursday October 5, 2017 at 6:30 p.m.
Council Chamber, City Hall

Committee Members Present
Councillor Schell; Chair
Councillor Holland
Councillor M"Laren
Councillor Neill
Councillor Osanic

Regrets
Councillor Turner

Staff Members Present
Ms. Bolton, Senior Planner
Mr. Huigenbos, Director, Real Estate and Environmental Initiatives
Mr. Hunt, Chief Administrative Officer
Mr. Newman, Manager, Policy Planning
Mr. Ochej, Committee Clerk
Ms. Rae, Senior Legal Counsel
Mr. Richard, Project Manager, Brownfields
Ms. Venditti, Manager, Development Approvals
Mr. Wicke, Senior Planner

Others Present
Members of the public were present
Introduction by Committee Chair

Councillor Schell, Chair, explained the purpose of the meeting and read the rights and obligations afforded to the Committee members and members of the public during public meetings.

Public Meeting
Held Pursuant to the Planning Act
6:30 p.m.
Application for Zoning By-Law Amendment

The following is the second Public Meeting report to the Planning Committee regarding an application for a zoning by-law amendment submitted by Robert Clark, Clark Consulting Services on behalf of Charles & Mitch Bender, with respect to the property located at 1821 Bur Brook Road. This report describes the proposed application and includes an overview of the relevant policies and regulations that will be evaluated as part of a future comprehensive report.

The subject property is designated ‘Rural’ and ‘Environmental Protection Area’ in the Official Plan, and zoned ‘Restricted Agricultural Zone (A1)’ in Zoning By-Law Number 76-26.

The applicant is proposing to amend the zoning by-law to allow an existing 283 square metre building to be used as a workshop for a fencing business. A Public Meeting was originally held on December 1, 2016. A second Public Meeting is being held to clarify the scope of the application and to address questions raised at the first Public Meeting.

File Number: D14-037-2017
Address: 1821 Bur Brook Road
Application Type: Zoning By-Law Amendment
Owner: Charles & Mitch Bender
Applicant: Robert Clark, Clark Consulting Services
(See Report PC-17-100)

Councillor Schell, Chair, called the public meeting regarding the Application for Zoning By-Law Amendment – 1821 Bur Brook Road to order at 6:39 p.m.

Mr. Robert Clark, Clark Consulting Services, spoke to the details of the application and conducted a PowerPoint presentation. A copy of the presentation can be obtained by contacting the City Clerk’s Department.

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 the Public Meeting. In addition, notices were sent by mail to 13 property owners (according to the latest Assessment Rolls) within 120 metres of the
subject property (Exhibit G – Public Notice Notification Map) and additional interested parties who registered their name at the first Public Meeting.

Mr. Wicke informed the Committee that five items of correspondence had been received regarding the application.

Councillor Holland sought clarity regarding equipment used for the loading of materials into trucks. Mr. Clark clarified that loading of materials is done primarily by hand.

Councillor Neill inquired as to how public concerns regarding traffic, noise and dust have been addressed. Mr. Clark responded that traffic accessing the property will be limited and that Bur Brook Road is an arterial road with appropriate capacity for traffic. Regarding noise, Mr. Clark stated that the noise study conducted met the guidelines for noise generation and that delivery vehicles do not generate excessive noise. Mr. Clark stated that dust will be addressed through operational maintenance of the property.

Councillor Neill asked if the comprehensive report will address the public concerns with the application. Mr. Wicke responded that the comprehensive report will address concerns from the public. Ms. Venditti added that public concerns can be addressed through a combination of the site plan process and amendments to the zoning by-law, and that a more detailed plan would be forthcoming.

Councillor Neill stated his desire for public concerns to be mitigated through the approval process.

Councillor Schell sought further details regarding the filling of the property. Mr. Clark stated that the filling of the property was done by the current owner, and that no more filling of the property will take place.

Councillor Schell inquired as to when the filled areas of the property will have top soil and grass seed put in place. Mr. Clark stated that he is not aware of any timing for top soil and grass seed, and that the recommended timing for this work is once final approval for the application has been granted. He added that the property owners are taking measures to mitigate impacts to the nearby stream. Ms. Venditti added that grading and storm water management controls will be addressed as part of the site plan control process.

The Chair afforded members of the public the opportunity to provide comment.

Mr. Peter Skebo, 1850 Bur Brook Rd, conducted a PowerPoint presentation and spoke to written comments regarding the application for a zoning by-law amendment for 1821 Bur Brook Road. A copy of the presentation and comments may be obtained by contacting the City Clerk’s Department.

Mr. John A. Black, 225 Bagot St, speaking on behalf of John and Sonya Harmsen, 1759 Bur Brook Road, spoke to written comments regarding the application for a zoning by-
law amendment for 1821 Bur Brook Road. A copy of the comments may be obtained by contacting the City Clerk’s Department.

Mr. Paul Robertson, 2002 Cole Hill Rd, expressed concern regarding the impact of increased vehicle traffic and noise on the neighbourhood. He requested that the application for a zoning by-law amendment not be approved.

Ms. Lindsay Hadcock, 1755 Sunnyside Rd, stated her preference for maintaining the agricultural zoning in the area and that the current business located at the property is inappropriate for the area. She discussed the impact of filling on the property, with particular concern regarding drainage. Ms. Hadcock concluded her comments by stating her opposition to the conversion of agricultural land to industrial land.

Mr. Frank Dixon, 495 Alfred St Apartment 2, sought clarity on the hours of operation for the business. He stated that the business may not be a good fit for the neighbourhood given its size and requested that City staff formalize the definition of a small business versus a medium-sized business. Regarding comments about vehicle noise, Mr. Dixon suggested a more detailed noise study, and suggested that alternate properties be utilized for noisier business operations. Mr. Dixon discussed the enforcement of by-laws at the property.

Mr. Clark clarified that the current zoning for the application is not strictly agricultural, and that neighbouring agricultural uses will not be impacted by the application. Regarding the noise study, he reiterated that the loading and unloading of vehicles, as well as vehicle movement, were included in the study. Mr. Clark emphasized that the application is regarding land use issues, and that the property will be limited to a workshop and the parking of employee vehicles. Regarding the filling of the property, Mr. Clark stated that remediation and protection will be addressed moving forward, adding that the depth of fill is one-to-two feet. He stated that the estimate of the number of vehicles accessing the site is accurate.

Councillor Osanic requested that Mr. Ochej obtained the photos referenced by Ms. Hadcock in her submission and forward them to the Committee.

The public meeting regarding the application for Zoning By-Law Amendment – 1821 Bur Brook Road adjourned at 7:33 p.m.

The following is a Public Meeting report to the Planning Committee regarding an application for a zoning by-law amendment submitted by the City of Kingston, with respect to the zoning of the Princess Street Corridor, Williamsville. This report describes
the proposed application and includes an overview of the relevant policies and regulations that will be evaluated as part of a future comprehensive report.

The applicant is proposing to amend the Williamsville Main Street Commercial “C4” Zone to ensure that an angular plane is applied in the appropriate circumstances by better defining the rear lot line. Currently, some lots in Williamsville are configured in such a way that there is no defined rear lot line, and as such, no rear angular plane has been applied to the property.

The proposed amendment will ensure that the zoning is consistent with the recently adopted Official Plan (2017), which has policies intended to ensure that an angular plane is applied when a development is proposed on a property which abuts a residential area.

**File Number:** D14-033-2017  
**Address:** Princess Street Corridor, Williamsville  
**Application Type:** Zoning By-Law Amendment  
**Owner/Applicant:** City of Kingston  
(See Report PC-17-098)

Councillor Schell, Chair, called the public meeting regarding the Application for Zoning By-Law Amendment – Princess Street Corridor, Williamsville to order at 7:34 p.m.

Mr. Wicke spoke to the details of the application and conducted a PowerPoint presentation. A copy of the presentation can be obtained by contacting the City Clerk’s Department.

Pursuant to the requirements of the *Planning Act*, a notice of the Statutory Public Meeting was placed in The Kingston Whig-Standard on September 12, 2017.

Mr. Wicke informed the Committee that no items of correspondence had been received regarding the application.

Councillor Neill sought clarity as to how the application would impact other applications in process or deemed complete. Mr. Newman clarified that all applications are reviewed against the policies that are in effect at the time of their review, or in effect when applications are deemed complete.

Councillor Neill sought clarity on definition of a completed application. Mr. Newman clarified that an application is deemed complete once all materials have been provided to Planning staff and a technical review has begun.

The Chair afforded members of the public the opportunity to provide comment.

Mr. John Grenville, 24 Jenkins St, spoke to his written comments regarding the application for a zoning by-law amendment for the Princess Street Corridor,
Williamsville. A copy of his comments may be obtained by contacting the City Clerk’s Department.

Mr. Frank Dixon, 495 Alfred St Apartment 2, discussed his comments from previous meetings regarding the establishment of a maximum height for applications in the Williamsville area. He referenced the discussion of angular plane that took place at the Ontario Municipal Board hearing regarding the University Suites project. Mr. Dixon inquired of staff if the provisions contained within the application could be extended to other neighbourhoods in Kingston that are located near large scale developments. Mr. Dixon provided a written summary of his comments, which may be obtained by contacting the City Clerk’s Department.

Mr. Wicke responded that the future comprehensive zoning by-law would be examining the principle of protecting residential areas from high-density forms. He added that such protections could also be included in future revisions to the Official Plan.

Councillor Neill discussed Kingston’s definition of a tower as 10 storeys, stating that this definition is markedly different from other cities.

The public meeting regarding the application for Zoning By-Law Amendment – Princess Street Corridor, Williamsville adjourned at 7:46 p.m.

Public Meeting
Held Pursuant to the Planning Act
6:30 p.m.
Application for Community Improvement Plan Amendment

The following is a Public Meeting and comprehensive report to the Planning Committee regarding a proposed amendment to the City’s Brownfields Community Improvement Plan (CIP). This report describes the proposed amendment and includes an overview of the relevant policies and regulations that have been evaluated as part of the preparation of this report.

The City of Kingston’s Brownfields CIP provides tax assistance and grants to eligible properties located within designated CIP Areas, in order to continue to assist with the rehabilitation and redevelopment of brownfield sites and support infill development. The Brownfields CIP has been in place since 2005 and has allowed the City to provide tax increment-based financial assistance to developers who rehabilitate and redevelop contaminated brownfield sites.

File Number: D18-001-2017
Subject: Brownfields Community Improvement Plan
Application Type: Community Improvement Plan Amendment
Owner/Applicant: City of Kingston
(See Report PC-17-081)
Councillor Schell, Chair, called the public meeting regarding the Application for Community Improvement Plan Amendment – Brownfields Community Improvement Plan to order at 7:47 p.m.

Ms. Bolton and Mr. Richard spoke to the details of the application and conducted a PowerPoint presentation. A copy of the presentation can be obtained by contacting the City Clerk’s Department.

A Public Meeting was held on July 6, 2017. Pursuant to the requirements of the Planning Act, a notice of the Statutory Public Meeting was provided by mail to all persons required by regulation, and by advertisement in The Kingston Whig-Standard on June 16, 2017. A second Public Meeting is being held concurrent with the comprehensive report with respect to this application. Pursuant to the requirements of the Planning Act, a notice of the second Statutory Public Meeting was provided by mail to all persons required by regulation, and by advertisement in The Kingston Whig-Standard on September 12, 2017.

Ms. Bolton informed the Committee that four items of correspondence had been received regarding the application.

Councillor Neill discussed brownfields sites in Williamsville, stating his understanding of the area no longer being considered an active Community Improvement Plan (CIP) area. He expressed concern regarding a former dry cleaner's location in Williamsville, and inquired if the property could receive assistance with remediation from the City. Mr. Huigenbos responded that as long as a brownfields CIP exists, there is criteria and a process for an area outside the boundaries to have a new boundary area created. He added that criteria are based on utilization of the site, future use of the site, contamination and value. Mr. Huigenbos further stated that Council could lift the moratorium on applications in the Williamsville area and that the benefit of leaving the Williamsville area in the CIP is that lifting the moratorium for an application wouldn’t require an amendment through the Planning Act to re-include the area, or a site specific area.

Councillor Neill sought clarity on how former CIP zones can seek remediation assistance. Mr. Huigenbos stated that Council has the ability to modify the CIP due to a significant site and accept applications from a former CIP zone. Mr. Hunt stated the importance of not allowing applicants to receive a tax discount on a site when they often purchase the land at a discounted value due to contamination issues, adding that staff have found that people will pay more than market value for a site and use the brownfields CIP program to recover their costs. Mr. Hunt further stated that the proposed changes in the application help mitigate the issue of property owners recovering the cost of purchasing land via the brownfields CIP program, and that the purchasing of land in the Williamsville area has been driven by the market, with incentive not being as important as in other areas. Mr. Hunt stated that the goal of the application is to make the overall financials for the program work and to concentrate on
Area 1A, adding that the moratorium on applications in the Williamsville area may limit legitimate proposals but that mechanisms exist for Council to revisit the moratorium.

The Chair afforded members of the public the opportunity to provide comment.

Mr. Frank Dixon, 495 Alfred St Apartment 2, inquired as to how the changes proposed in the application would impact the Davis Tannery site, given that the site is a Council priority for remediation and improvement. He requested that staff consider the correspondence received from Mr. Skolnick, stressing the importance of cooperation between City staff, Council, developers, and residents.

Mr. Huigenbos responded that the Davis Tannery site is within the boundary of Area 1A, which is the priority focus of the brownfields CIP program, adding that funding committed to this area has been less than 10 per cent of all program funding and that the Davis Tannery could impact this percentage greatly. He added that staff had met with Mr. Skolnick on this matter. Mr. Hunt added that he had attended meetings with Mr. Skolnick and discussed the issues raised in Mr. Skolnick’s submission, which have been incorporated into the modifications proposed in the application.

Councillor Neill asked if the application is appealable to the Ontario Municipal Board, and how the application will impact current applications under the brownfields CIP. Mr. Huigenbos stated there are currently four applications for the Williamsville area, which will remain in place with funding under the current program. He confirmed that the application is appealable to the Ontario Municipal Board.

Councillor Neill sought further clarity regarding the impact of the application to current applications. Mr. Huigenbos stated that until the application is approved by Council and passes the appeal period, staff will continue to evaluate applications based on the current brownfields CIP.

The public meeting regarding the Application for Community Improvement Plan Amendment – Brownfields Community Improvement Plan adjourned at 8:13 p.m.

Regular Planning Committee Meeting Number 20-2017

Meeting to Order

The Chair called the meeting to order at 8:14 p.m.

Approval of the Agenda

Moved by Councillor Neill
Seconded by Councillor Osanic
That the agenda be amended to include the addendum, and as amended, be approved.

Carried

Confirmation of Minutes

Moved by Councillor Osanic
Seconded by Councillor Neill

That the minutes of the Planning Committee Meeting Number 19-2017 held on Thursday September 21, 2017 be approved.

Carried

Disclosure of Pecuniary Interest

There were none.

Delegations

There were none.

Briefings

There were none.

Business

a) File Numbers: D18-001-2017
   Subject: Brownfields Community Improvement Plan
   Application Type: Community Improvement Plan Amendment
   Owner/Applicant: City of Kingston

Councillor Neill inquired as to why the comprehensive report was combined with the second public meeting for the application. Ms. Bolton responded that a second public meeting was required to comply with the Planning Act’s statutory notice provisions due to an error regarding boundary change in the first public meeting report, adding that this error was discussed at the first public meeting. Ms. Bolton further stated that no new information was presented by staff other than changes made as a result of public comments from the first public meeting. Ms. Bolton stated that Council has currently put a hold on receiving new applications from the brownfields CIP program and that staff wishes to see continuance of the program.

Councillor Neill inquired as to how staff had addressed correspondence received from Mr. Keene on behalf of Mr. Skolnick regarding the boundary for Area 1A. Mr. Huigenbos stated the issue was brought to staff’s attention a week and a half prior to the meeting and that staff had met with the site owner and requested technical information supporting the property inclusion in the area, which staff had not yet been received. Mr.
Huigenbos stated that an area cannot be added to the CIP without statutory notice or if it does not meet the technical requirements showing the property is at a brownfields level. He explained that an application can be made by the site owner to add or expand the boundaries of the CIP areas in order to include the property. Mr. Huigenbos further stated that the property is within the North King’s Town Secondary Plan area, and that the statutory requirements of secondary planning could also be used to include a boundary change.

Councillor Neill discussed the division of the property discussed in Mr. Keene’s correspondence by an arbitrary boundary line, expressing concern with the potential for an appeal to the Ontario Municipal Board regarding this matter.

Councillor Neill discussed the timeline for a motion to defer, and the need for a statutory public meeting. He stated he would like to see staff report back to the Committee as soon as possible given the statutory public meeting requirements.

Mr. Hunt asked Mr. Ochej if staff could provide information to the Committee regarding the timeframe for deferral in order for the Committee to understand the process required to meet the deferral request. Mr. Ochej confirmed it would be appropriate for staff to provide information to the Committee regarding the timeframe for deferral.

Mr. Hunt estimated that three months would be an appropriate amount of time for staff to respond to the request of the motion to defer proposed by Councillor Neill.

Councillor Neill stated his desire for the timeline for the motion to defer to remain as the earliest possible date that staff can address the boundary issues.

Moved by Councillor Holland
Seconded by Councillor Osanic

That it be recommended to Council that the amendment to the Brownfields Community Improvement Plan be approved; and

That By-Law Number 2005-40, as amended, be further amended to expand Community Improvement Project Area 1A, as per Exhibit A (Draft By-Law and Schedule A to Amend By-Law 2005-40) to Report Number PC-17-081; and

That By-Law Number 2005-40, as amended, be further amended to re-number Community Improvement Project Areas 1C, 1D and 2 to be Community Improvement Project Areas 2, 3 and 4 respectively, as per Exhibit A (Draft By-Law and Schedule B to Amend By-Law 2005-40) to Report Number PC-17-081; and

That By-Law Number 2005-40, as amended, be re-titled “A By-Law Designating Community Improvement Project Areas for the Brownfields Community Improvement Plan”; and

That By-Law Number 2005-41, as amended, which adopted the 2005 Brownfields Community Improvement Plan, be repealed and replaced with the new by-law attached as Exhibit B to Report Number PC-17-081; and
That the amending by-laws be presented to Council for all three readings; and

That it be recommended that Council direct staff to complete another review of the Brownfields program, including eligibility criteria, within the next five (5) years.

Deferred as Amended
(See Motions to Defer that Carried)

Moved by Councillor Neill
Seconded by Councillor Osanic

That the Brownfields Community Improvement Plan amendments (PC-17-081) be deferred to allow staff to mitigate boundary issues raised by the public regarding proposed amendments to the Brownfields Community Improvement Plan, with staff to report back to the Planning Committee at the first possible date that the issue can be addressed.

Carried

Motions
There were none.

Notices of Motion
There were none.

Other Business
There was none.

Correspondence
See agenda and addendum.

Date and Time of Next Meeting
The next meeting of the Planning Committee is scheduled for Thursday October 19, 2017 at 6:30 p.m.

Adjournment
Moved by Councillor Holland
Seconded by Councillor Osanic

That the meeting of the Planning Committee adjourn at 8:26 p.m.

Carried