

Council Meeting Number 2018-17
Addendum
Tuesday, July 10, 2018

Delegations

The consent of Council is requested for the **addition** of Delegation 1 and 2.

1. Munro Watters, Vice-President University Affairs, Alma Mater Society, Queen's University, will appear before Council to speak to Clause 15 of Report 64: Received from the Chief Administrative Officer (Consent) with respect to the Request for Noise Exemptions – Queen's University AMS Orientation Week Events.
2. Frank Dixon, resident, will appear before Council to speak to Clause 1 of Report 65: Received from the Chief Administrative Officer (Recommend) with respect to the Transmittal of the Report of the Closed Meeting Investigator and Legal Opinion of Aird & Berlis LLP- Cataragui West Open Space Lands.

Communications

The consent of Council is requested for the **addition** of the following Communications:

Referred to Council

- 17-436 Correspondence from Bob Clark, Principal Planner, dated June 25, 2018, with respect to a Zoning Application for the property municipally known 1821 Burbrook Road.
(Distributed to all members of Council on July 9, 2018)
- 17-437 Correspondence from Gennaro DiSanto, Chief Executive Officer, CaraCo Group of Companies, dated July 9, 2018, with respect to 7 Wright Crescent.
(Distributed to all members of Council on July 9, 2018)

Mayor Paterson and Members of Council,
City of Kingston,
216 Ontario Street,
Kingston, Ontario K7L 2Z3
c/o Mr. John Bolognone, City Clerk

June 25, 2018

Re: Response to the Planning Committee Recommendation
Zoning By-law Amendment Application
1821 Burbrook Road
File No. D14-037-2016
CCS Project No. 3183

Dear Mayor Paterson and Members of Council,

Clark Consulting Services is the applicant on behalf of Charles and Mitch Bender for a zoning by-law amendment to recognize their fencing business at 1821 Burbrook Road. The Planning Committee Meeting on June 21st recommended that the application be denied. I wish to respond to the comments that may have had an impact on this decision.

Our firm has been engaged over the past three years in resolving this planning issue for the Benders. During this time I have come to understand that this family run business has been operating successfully in the City for over 20 years. Their intention was to locate a property which would provide a long-term location for their business. Their business is a successful small business with unique requirements. They do not have aspirations for growth and they had hoped that they had found an area which they would accept them as part of the community.

As their planning consultants we have worked with them to respond to the comments provided by the neighbours and the City Staff. We believe we have answered all the questions and concerns that have been identified.

The key question at the Planning Committee meeting was the interpretation of Official Plan policy 3.12.19. The implication was that small-scale businesses are expected to grow and thus an established small-scale business such as Backyard Fencing owned by my clients would not meet the tests of this Official Plan policy. A careful reading of this section makes it clear that small-scale businesses are not only appropriate for Rural lands but are encouraged provided they can demonstrate that they do not have adverse effects on the community. Through an extensive series of studies prepared by qualified professionals it has been demonstrated that the proposed use can meet these tests. With approval of the requested zoning the site will be subject to site plan control which will require further landscaping to ensure visual screening.

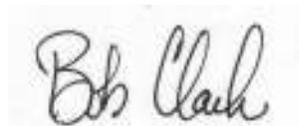


The Planning Committee seemed to be concerned that this location was not appropriate for an industrial use. Although Backyard Fencing is technically an industrial use, the unique characteristics of the business include the limited on-site requirements. As the Staff report identifies, there is no fabrication on site. The site is used for the storage of equipment, minor equipment repairs and administration. The materials are delivered to the project site, not the subject lands and all fabrication occurs on the project site, not at the subject lands.

If the concern is the alteration or enlargement of the use, the proposed zoning by-law proposes a very precise definition of the use and the delineation of the area in which the use can be established. Any alteration would require further municipal approval.

In summary it is our opinion that City staff have prepared a zoning by-law specific to the fencing contractor use which is consistent with the Provincial Planning Policy and the City Official Plan. We respectfully request your consideration of the proposed zoning by-law in order to legalize the existing use of this property.

Sincerely,



Bob Clark, P.Eng., P.Ag., MCIP, RPP, OLE
Principal Planner

Joe:\File name

CITY COUNCIL MEETING OF:

July 10, 2018

COMMUNICATION
No: 17-436



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toll free 888-852-8619 * info@clarkcs.com * www.clarkcs.com

CC: Council, CAO, CMT, S.Nicholson, City Clerk, Deputy City Clerk, H.Wilson

On Jul 9, 2018, at 2:18 PM, Hurdle,Lanie <lhurdle@cityofkingston.ca> wrote:

For distribution to council

Lanie Hurdle
Commissioner, Community Services & Deputy CAO
City of Kingston
lhurdle@cityofkingston.ca
(613) 546-4291 ext. 1231

CITY COUNCIL MEETING OF:

July 10, 2018

COMMUNICATION

No: 17-437

From: Gennaro DiSanto [<mailto:gennaro@caraco.ca>]
Sent: July-09-18 12:44 PM
To: Laidman,Sheldon; 'April McGinnis'
Cc: Hurdle,Lanie; Robert Blommestyn; Ken Dantzer; Carolyn Blommestyn
Subject: RE: 7 Wright Crescent - Report to Council

Sheldon,

Thank you again for circulating the Report to Council.

CJM is in support of the Report and Staff recommendation.

Kindly include our comments in your circulation to councillors.

Regards,

Gennaro DiSanto, CPA, CA
Chief Executive Officer
CaraCo Group of Companies

Phone: (613) 542-8400 ext. 137
Cell: (613) 650-7066
Fax: (613) 544-9931
234 Concession Street, Suite 101
Kingston, ON K7K 6W6
www.caraco.ca

Please note that my email address has changed and will need to be updated in your address book. My new email address is gennaro@caraco.ca.

From: Laidman,Sheldon <slaidman@cityofkingston.ca>
Sent: Friday, July 6, 2018 2:19 PM

To: Gennaro DiSanto <gennaro@caraco.ca>; 'April McGinnis' <amcginnis@thk.ca>
Cc: Hurdle,Lanie <lhurdle@cityofkingston.ca>; Robert Blommestyn <rob@caraco.ca>; Ken Dantzer <ken@caraco.ca>; Carolyn Blommestyn <carolyn@caraco.ca>
Subject: 7 Wright Crescent - Report to Council

April and Gennaro:

As partners in our agreement for the 7 Wright Crescent I wanted to advise you that a staff report has been prepared which is currently on the City's website regarding the future direction of 7 Wright Crescent. This report was completed in light of Town Homes withdrawing from the project and CJM expressing an interest in continuing with the agreement which was previously presented to Council at its June 26th meeting. It is on the July 10th Council agenda which begins at 7:30. Please let me know if you have any questions regarding the report. I would be available on Monday all day or Tuesday morning next week to discuss.

The link to the report is here

https://www.cityofkingston.ca/documents/10180/27433980/City-Council_Meeting-17-2018_Report-18-214_7-Wright-Crescent-Proposed-Negotiations.pdf/7f059340-3cf4-4c7c-ac5f-957a2b31f3c0

Sheldon

<[image001.png](#)>

Sheldon Laidman

Director
Housing and Social Services Department

<[image002.jpg](#)> <[image003.jpg](#)> <[image004.jpg](#)>

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CC: Council, CAO, CMT, S.Nicholson, City Clerk, Deputy City Clerk, H.Wilson