



**City Of Kingston
Planning Committee
Meeting Number 21-2017
Confirmed Minutes
Thursday October 19, 2017 at 6:30 p.m.
Council Chamber, City Hall**

Committee Members Present

Councillor Schell; Chair
Councillor Holland
Councillor M^cLaren
Councillor Neill
Councillor Osanic (arrived to meeting at 8:22 p.m.)
Councillor Turner

Regrets

Staff Members Present

Ms. Agnew, Director, Planning, Building & Licensing
Ms. Didrikson, Intermediate Planner
Ms. Lambert, Senior Planner
Mr. Ochej, Committee Clerk
Mr. Sands, Senior Planner
Ms. Venditti, Manager, Development Approvals

Others Present

Councillor Hutchison
Ms. Donna Hinde, The Planning Partnership
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 Official Plan & Zoning By-Law Amendment

The following is a Public Meeting report to the Planning Committee regarding an application for an Official Plan & zoning by-law amendment submitted by Homestead Land Holdings Limited, with respect to the subject site located at 48A Point St. Mark Drive.

The applicants have amended the development from what was presented at the March 1, 2013 Planning Committee meeting. Based on the modifications to the proposal, a second Public Meeting has been scheduled to present the revised proposal. Homestead Land Holdings Limited is proposing to develop an apartment building with a total of 95 residential units, associated on-site vehicular parking, bicycle parking and apartment complex amenities. Specific changes include reducing the proposed height from 8 storeys to 7 storeys, increasing the setback from the water to an average of 5.5 metres and adjusting the footprint of the building to remove it entirely from the floodplain. A shoreline promenade is now proposed along the entire water frontage of the site, connecting to the abutting Lilla Burke Park, an existing public open space. The applicant is also now proposing a public boat launch in addition to some of the existing boat wharves proposed to be maintained as an amenity to the apartment dwelling residents. This report describes the proposed changes with respect to the development applications and includes an overview of the relevant land use policies and regulations.

The site is currently designated Marina in the Official Plan and zoned Water Area 'P2' Zone in Zoning By-Law Number 8499 and Tourist Commercial 'CT' zone in Zoning By-Law Number 32- 74. The subject lands are adjacent to the Rideau Canal, which is designated as a National Historic Site, a Canadian Heritage River and is inscribed as a UNESCO World Heritage Site.

On June 9, 2017, the applicant appealed the proposed Official Plan amendment application and zoning by-law amendment application to the Ontario Municipal Board (OMB), based on the approval authority's failure to make a decision within the prescribed period of time. As per the *Planning Act*, the approval authority (Council) has 180 days to make a decision once an Official Plan amendment has been deemed complete and 120 days to make a decision once an application for zoning by-law amendment has been deemed complete.

As the Official Plan amendment and zoning by-law amendment applications have been appealed to the Ontario Municipal Board, the purpose of the meeting scheduled for October 19, 2017 is to allow for public input for Council's consideration and is not a Statutory Public Meeting. A Statutory Public Meeting was held May 2, 2013.

The zoning by-law amendment application proposes an increase in the existing height and density provisions for the subject property. Staff are also seeking input from the

community through this Public Meeting process with respect to potential Community Benefits related to the proposed development that might be requested from the applicant.

File Numbers: D09-005-2013 & D14-012-2013
Address: 48A Point St. Mark Drive
Application Type: Official Plan & Zoning By-Law Amendment
Owner/Applicant: Homestead Land Holdings Limited
(See Report PC-17-088)

Councillor Schell, Chair, called the public meeting regarding the Application for Official Plan & Zoning By-Law Amendment – 48A Point St. Mark Drive to order at 6:33 p.m.

Ms. Margo Watson, FOTENN Consultants Inc, and Mr. Sandy Wilson, Alexander Wilson Architect Inc., 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 notice of the Non-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 all 76 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. The notice was also sent by mail to all persons who have provided oral and/or written comments on the applications to date, and/or persons who signed in at the May 2, 2013 Statutory Public Meeting and/or who have submitted a request to staff to be notified in advance of any municipal meetings with respect to the proposed amendments. A courtesy notice was also placed in The Kingston Whig-Standard on October 10, 2017.

Ms. Lambert informed the Committee that several items of correspondence had been received regarding the application.

Councillor Neill sought re-assurance that the landscaping plan presented for the application would be adhered to and the trees contained within the plan given a chance to mature. Ms. Venditti responded that through zoning it could be assured that the landscaped stripe would be given a chance to mature, and that via site planning conditions could be placed for the maintenance and care of the trees.

Councillor Neill inquired about the potential for severance of the property and the addition of other buildings on the property. Ms. Venditti stated that the zoning would limit what could be built on the property and that anything in addition to the current application would be required to go through the public process. Ms. Watson added that the surface and underground parking requirements for the application would not leave much space for additional buildings. Ms. Lambert stated that the zoning for the application requires a minimum lot area per unit.

Councillor Turner inquired about the location of the nearest bus stop. Ms. Watson responded that the nearest bus stop was at Highway 15 and Point St. Mark Drive.

Councillor Schell discussed the current zoning for the property, stating that townhouses would not be allowed on the property as it is currently zoned commercial. She sought clarity regarding the public boat launch. Ms. Watson clarified that the applicant would like to provide a public boat launch, as one currently exists at the property. She added that some docks would be removed but docks in good condition would stay.

Councillor Schell sought confirmation that the proposed walkway to the north of the property would remain a walkway and not be converted to a secondary driveway. Ms. Watson confirmed that there will be no entrance or driveway at the north of the property, but rather a pedestrian walkway.

Ms. Hinde provided an overview of the public meeting process and the rules of decorum for the meeting.

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

Mr. Peter Splinter, 66 Limeridge Dr, discussed his experience as a home builder in the area of the application. He stated that the Official Plan should be abided by, adding his concern with the proposed amendments to the Official Plan for the application, given the neighbourhood's low density, lack of commercial properties, and the obstruction of the river views for neighbouring properties. He discussed the lack of compatibility of the application with neighbouring properties, specifically citing height and density. Mr. Splinter expressed concern regarding emergency service access to the application, in particular the river side, and concern regarding increased traffic.

Mr. Gerald Locklin, 80 Point St. Mark Dr, questioned the Ontario Municipal Board (OMB) appeal by the applicant, asking if the 180 day period had lapsed without a response from the City. He also inquired as to why his previous report and questions regarding the application had not been addressed. Mr. Locklin stated that the application has not changed significantly since 2013 and that the current application does not conform to the Official Plan due to its size and density. He expressed concern with the impact of the application in combination with the Third Crossing and Highway 15 expansion to neighbouring homes' value and the increase in traffic and noise. Mr. Locklin stated that the community benefits process feels like capitulation to developers, and expressed concern for the impact of the OMB appeal process on the democratic process.

Ms. Sandy Campbell, 16 Loradean Cr, expressed concern with the application's location between the community and the Great Cataraqui River, and stated that the nearest bus stop to the application is located at Highway 15 and Medley Court. Ms. Campbell discussed the vehicle access to the property, and sought assurance that vehicle access

will not be granted through Lilla Burke Park. She expressed concern regarding the ability of emergency vehicles to access the application via the proposed vehicle access.

Mr. Peter Dunnett, 90 Kenwoods Circle, urged the Committee to view the property from the Great Cataraqi River in order to understand the impact the application would have on a UNESCO World Heritage site. He discussed the parkland in the area, stating his preference for the maintenance of the park and expressed concern with the potential for the placement of an access road through the park.

Mr. Sanjiv Sandhu, 74 Limeridge Dr, discussed development in the area and expressed concern with increased traffic and neighbourhood safety. He stated his preference for commercial development in the area, adding that the application is not suitable for the area but may be more suitable in other areas of Kingston.

Ms. Hinde afforded the Applicant an opportunity to respond to public comments. Ms. Venditti stated that all public submissions received in 2013 are part of the public record and spoke to the history of the application, adding that the amount of time that had lapsed between the first and second submission by the applicant was unusual. Regarding community benefits, Ms. Venditti stated that one of the purposes of the public meeting was to collect public feedback on potential community benefits, and that staff have no recommendation concerning the application at the time. She added that staff is required to report back to Council to receive direction on the application, which will factor into the OMB appeal. Ms. Agnew stated that the application process has deviated due to the OMB appeal and spoke to the application process, adding that staff is attempting to gather information to provide guidance to Council, which will then be taken to the OMB.

In response to questions from members of the public, Ms. Watson stated that the application is subject to site plan control, which would deal with items such as landscaping, access, and building aesthetic. She stated that the applicant has no intent to create vehicle access to the application across Lilla Burke Park.

Ms. Nicole Richardson, 34 Kenwoods Circle, conducted a PowerPoint presentation regarding the Application for Official Plan & Zoning By-Law Amendment – 48A Point St. Mark Drive, a copy of which may be obtained by contacting the City Clerk's Department. Mr. Richardson spoke to the history of the application and expressed concern with the height and mass. She stated that the application will block the view of the Great Cataraqi River for properties on Point St. Mark Drive and sought clarity on the appropriateness of including private trees in the calculation for landscape screening. She concluded her comments by expressing concern for the precedent that may be set for houses that have a view of water.

Mr. Phil Goldman, 25 Kenwoods Circle, stated that the application does not fit within the neighbourhood context or within the Official Plan, and spoke to issues with the process for the application. He expressed concern with obstruction to the view of the Great Cataraqi River, and stated his opposition to high density properties on the river.

Mr. Hugh MacDonald, 84 Point St. Mark Dr, stated that the vehicle access for the application is not large enough to handle the traffic volume that will be generated. He spoke to home owners in the area, stating they purchase their homes not expecting a high density property in the area and that the Committee should be fair towards these home owners in their decision. He expressed concern with density and the impact of traffic flows in the neighbour, citing the proposed Third Crossing as an additional factor. Mr. MacDonald expressed doubt that the docks and boat launch will be maintained and sought clarity on the impact of the OMB appeal.

Mr. Alwyu Huigens, 20 Kenwoods Circle, inquired as to why the applicant is not considering a commercial use for the property given its current zoning, adding that a six-storey residential property does not seem appropriate for the area given its high density. He added that the application is located too far away from Highway 15 and too far from the edge of the community to fit the scope of appropriate high density development.

Mr. Keith Schneider, 33 Kenwoods Circle, questioned the ability of emergency vehicles to access the property via the driveway and discussed the impact of light pollution from the application on neighbouring properties and the river. He disputed the portrayal of the trees in the applicant's presentation, stating the trees would not likely grow to the height portrayed. Mr. Schneider stated he would like to see a building that fits within the neighbourhood context.

Ms. Hinde afforded the Applicant and City staff an opportunity to respond to public comments. Regarding the trees on abutting properties, Ms. Venditti stated that the context of a neighbourhood's vegetation can change over time, and that the applicant had used the existing context within the neighbourhood. Ms. Venditti re-iterated the OMB appeal process, adding that public input gathered at the meeting would be summarized and included as part of a technical and peer review of the application. She stated that the pre-hearing date for the appeal is November 22, 2017 and that the hearing is open to the public. Ms. Agnew clarified the start of the 180 day decision window, stating that the window began when the original application was filed, and that the application was in abeyance for two-to-three years before response from the first public meeting.

Mr. Mike Trainor, 80 Limeridge Dr, inquired about the 100-year flood line and if it had been re-established after this year's high water levels. He asked if barrier free parking would be included as part of the application, if the boat launch would be maintained in its existing location, where cars/trailers using the launch would park, and if emergency vehicles could navigate the driveway. Referencing previous presentations from Mr. Locklin and Mr. Duquette, Mr. Trainor discussed the perspective of the application from

the river and questioned the responses to public concerns from the applicant. He concluded his statement by requesting that the questions regarding the Official Plan asked by Mr. Splinter be addressed and that City staff oppose the application at the OMB hearing.

Mr. Frank Dixon, 495 Alfred St Apartment 2, inquired if there are any on or off-shore brownfields considerations for the application and expressed concern with the impact of construction on the nearby landscaping. He stated he would like to have seen the report address the 100-year flood plain impact on the application and expressed concern regarding storm water management. Mr. Dixon sought clarity regarding the percentage of the site that is taken up by the footprint of the building, stating that a development one quarter or one-third the size would be more appropriate. He encouraged the Committee to take to heart the comments from the public regarding the application.

Mr. Matt Miernik, 54 Point St. Mark Dr, stated that the application is a detriment to those who live in the area and suggested that the land sought be of benefit to the community and maintained as public land.

Mr. Dean Vogelsang, 58 Point St. Mark Dr, expressed concern for the impact that the application would have on property values in the area and stated that property owners in the area should have their rights to the views of the river respected. He stated his agreement with previous speakers who expressed opposition to the application.

Ms. Vicki Schmolka, 702 Newmarket La, stated that the application is seeking to build in an improper location, and discussed the distance between the building and the nearest bus stop. She discussed the city standard for driveway width, expressing concern for the precedent that would be set by allowing a nine metre wide driveway for the application, and inquired about the ability of emergency vehicles to access the water side of the building. Ms. Schmolka asked how the 30 metre ribbon of life is maintained by the application and how the impact of the pathway on turtles will be mitigated. She inquired as to how the City is respecting the Rideau Corridor Strategy and the impact on the UNESCO World Heritage designation for the Great Cataraqui River. She inquired about the density per floor area and the height of the application. Regarding community benefits, Ms. Schmolka disputed the process, and suggested a potential community benefit that would have the applicant provide a piece of conservation property along the Rideau Canal between the LaSalle Causeway and Kingston Mills with a protected shoreline area five times the size of the shoreline in the application, with a 120 metre buffer.

Ms. Laura Gilron, 34 Kenwoods Circle, discussed the negative impact of the application on area wildlife and the natural environment, as well as neighbourhood safety due to increased vehicle traffic. She questioned if more apartment buildings were necessary in

the area and discussed the potential for damage to neighbouring properties should a fire occur. Ms. Gilron discussed the environmental impacts of the application, both through construction and residential occupation.

Mr. Gavin Henderson, 702 Newmarket La, inquired about OMB pre-hearing, asking who will be representing the City and with what mandate. He asked further as to the impact of the City failing to take a position on the application and what the City's options are moving forward with the appeal.

Ms. Hinde afforded the Applicant and City staff an opportunity to respond to public comments. Ms. Venditti stated that staff is working with the Cataraqui Region Conservation Authority (CRCA) on a review of the application and that the CRCA has not requested the use of a higher elevation for the 100-year flood plain.

Mr. Wilson stated that barrier free parking will be provided both above and underground and that the building will meet accessibility requirements. Regarding the boat launch, Mr. Wilson stated the launch will be for the use of canoes, kayaks and other small pleasure craft and that no vehicles will access the launch in order to respect the ribbon of life. Mr. Wilson stated that Kingston Fire & Rescue did not wish to have emergency access to the property through Lilla Burke Park and that they will be able to access the site via the 9 metre wide driveway, adding that the building will have sprinklers for fire suppression.

Regarding the OMB appeal process, Ms. Venditti stated that all presentations from the 2013 public meeting are part of the public record and that the second application from the applicant is in response to technical comments provided by staff. Ms. Venditti further stated that staff has taken no position on the application, that peer reviews are being conducted and that staff will be seeking Council direction in advance of the OMB pre-hearing meetings. Regarding the driveway, Ms. Venditti stated that staff has expressed concern to the applicant regarding volume and the combining of pedestrian and vehicle access, adding that the matter is subject to peer review.

Ms. Watson stated that the application is not considered a brownfield, and that some site cleanup will be required due to the previous use of the property as a boat storage facility. Regarding the shoreline, Ms. Watson stated that the previous owner did conduct some infilling and that the applicant seeks to return the shoreline to a more naturalized state through the elimination of hard surfaces and the addition of landscaping features.

Regarding the Rideau Corridor Strategy and UNESCO World Heritage designation, Ms. Venditti stated that the application had been circulated to Parks Canada for review, and that they had indicated concern with respect to scale, but not with the naturalization of

the site. Ms. Agnew added that both the Strategy and designation are part of the technical review and that discussion is ongoing.

Regarding the OMB appeal process, Ms. Venditti stated that the staff will be providing information to Council and seeking direction on how to proceed at the OMB pre-hearing. Ms. Agnew added that external legal counsel has been obtained to represent the City.

Brian Mayfield, 908 Ambleside Cr, asked the Committee if they lived near the application if they would oppose the application.

Mr. Arnold Gaudet, 52 Point St. Mark Dr, discussed the information posted on DASH and sought further detail regarding the change in floor plans to the building, and how 95 units will be incorporated into seven storeys. He inquired as to how access to the building would be maintained if the sewer system that crossed beneath the driveway required repair.

Ms. Hinde afforded the Applicant and City staff an opportunity to respond to public comments. Mr. Wilson stated that the intent of the applicant is to build 95 units, but they may pursue less if 95 units are not possible. Ms. Lambert added that while the height of the application has been lowered, the intent of the applicant is to apply for zoning for 95 units and that floor plans can be modified over time to accommodate the number of units.

Regarding maintenance of the sewer system, Ms. Watson stated that the site plan approval process will see detailed engineering drawings submitted and reviewed which will ensure the appropriate standards are in place.

Councillor Neill stated that if he lived in the neighbourhood he would recuse himself from any discussion on the application. He stated that no decision on the application has been made by Council and that decisions will be based on the Planning Act, zoning by-laws, and the Official Plan. Councillor Neill inquired as to how the OMB appeal will impact the City process for the application. Ms. Agnew responded that the normal application process has been circumvented by the OMB appeal and that technical and peer review are occurring, which is part of the normal process, the only difference being that staff can no longer bring a comprehensive report forward to the Committee as the final decision power lies with the OMB. Mr. Agnew further stated that information will be provided to Council in advance of the November 22, 2017 pre-hearing meeting so that staff can be provided with direction from Council.

Councillor Neill asked if the OMB appeal will be based on a decision made by Council whilst in-camera. Ms. Venditti responded that members of the public can participate in

the OMB appeal process and establish status. She stated that any further clarification on the matter should be provided by legal counsel.

Councillor Neill discussed the community benefits process, stating it should only apply to sound planning proposals and expressed his dislike for the current process which creates the perception that the Committee is cutting a deal with applicants. Ms. Agnew responded that the community benefits process is defined by provincial legislation and that any benefits need to be approved alongside a zoning by-law, which necessitates discussions occurring early in the process. She further added that the community benefits is discussing as part of the application so as not to forfeit the ability to apply community benefits should the application be approved by the OMB.

Councillor Neill stated that community benefits are not often suggested by the public given the timing of the discussion and inquired if the comprehensive report stage would be a more appropriate time for the discussion. Ms. Agnew responded that the process for community benefits is being examined and that staff is trying to conduct the process in a meaningful way given the limits imposed by the provincial legislation.

Councillor Schell refuted the implications that the Committee had already determined their position on the application, adding that the process will now be taken up by Council. She inquired of staff as to how members of the public can communicate with the OMB. Ms. Venditti clarified that the case is listed on the OMB website with details for the pre-hearing, and that members of the public can be listed as participants in advance or at the pre-hearing.

The public meeting regarding the application for Official Plan & Zoning By-Law Amendment – 48A Point St. Mark Drive adjourned at 9:19 p.m.

The Committee recessed for 10 minutes.

Regular Planning Committee Meeting Number 21-2017

Meeting to Order

The Chair called the meeting to order at 9:27 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 Holland

That the minutes of the Planning Committee Meeting Number 20-2017 held on Thursday October 5, 2017 be approved.

Carried

Disclosure of Pecuniary Interest

There were none.

Delegations

Moved by Councillor Holland
Seconded by Councillor Osanic

That Clause 2.17 of City of Kingston Committee By-law 2010-205, as amended, be waived in order to allow Annie Clifford, resident, to speak to File Number D14-026-2017.

Ms. Clifford expressed concern with the hold symbol placed on the front portion of the property, stating that it may limit the desirability of the property for a commercial tenant. She requested that the hold symbol be extended to the entire ground floor. She discussed adverse effects, and requested that the Committee examine the loss of commercial space as an adverse effect on the community.

Moved by Councillor Holland
Seconded by Councillor Turner

That Clause 2.17 of City of Kingston Committee By-law 2010-205, as amended, be waived in order to allow Ms. Jennifer Garrah, FOTENN Consultants Inc., to speak to File Number D14-026-2017.

Ms. Garrah stated that the Committee should look to the Official Plan for the broader context for the application, which designates the site as residential. She stated that there is no case for commercial requirements in a residential area and that as-of-right the building can be completely residential. She concluded by stating that the question is not whether or not commercial use is appropriate but whether or not it is appropriate for residential intensification to occur.

Councillor Neill stated that the holding symbol is a result of the neighbourhood wishing to see the commercial zoning maintained. He asked if there will be any additional commercial use for the space and if the applicant is willing to broaden the list. Ms. Garrah responded that the revised zoning has expanded the list of commercial uses. She stated that the community stated a desire for clinic or office space, but the size of the building and numbers of parking space put constraints on use for those purposes. Ms. Garrah added that the application includes the most intense uses possible given the constraints of the property and that the holding symbol will not allow residential development on the front of the ground floor for a year.

Briefings

There were none.

Business

- a) **File Numbers: D14-005-2017**
Address: 783 King Street West
Application Type: Zoning By-Law Amendment
Owner: 1809743 Ontario Limited
Applicant: Paul Doherty

Moved by Councillor Turner
Seconded by Councillor Osanic

That it be recommended to Council that the application for a zoning by-law amendment (File Number D14-005-2017) submitted by Paul Doherty, on behalf of 1809743 Ontario Limited, for the property municipally known as 783 King Street West, be approved; and

That By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 8499) to Report Number PC-17-099; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

Carried

- b) File Numbers: D14-024-2017**
Address: 299-303 Concession Street
Application Type: Zoning By-Law Amendment
Owner: Trans Eastern Communications
Applicant: Brad French

Moved by Councillor Turner
Seconded by Councillor Neill

That it be recommended to Council that the application for a zoning by-law amendment (File Number D14-024-2017) submitted by Brad French, on behalf of Trans Eastern Communications, for the property municipally known as 299-303 Concession Street, be approved; and

That By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit A (Draft By-Law to Amend Zoning By-Law Number 8499) to Report Number PC-17-101; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

Carried

- c) File Numbers: D35-004-2017**
Address: 225 King Street East
Application Type: Official Plan & Zoning By-Law Amendment
Owner/Applicant: Frontenac Club Inc.

Moved by Councillor Neill
Seconded by Councillor Holland

That it be recommended to Council that the applications for Official Plan and zoning by-law amendment (File Number D35-004-2017) submitted by Frontenac Club Inc., for the property municipally known as 225 King Street East, be approved; and

That the City of Kingston Official Plan, as amended, be further amended, amendment number 58, as per Exhibit A (Draft By-Law and Schedules A through D to Amend the Official Plan) to Report Number PC-17-102; and

That By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A to Amend Zoning By-Law Number 8499) to Report Number PC-17-102; and

That By-Law Number 96-259, entitled "Downtown and Harbour Zoning By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit C (Draft By-Law and Schedules A and B to Amend Zoning By-Law Number 96-259) to Report Number PC-17-102; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-laws be presented to Council for all three readings.

Carried

- d) **File Numbers: D14-026-2017**
Address: 306-308 Montreal Street
Application Type: Zoning By-Law Amendment
Owner: Dennis Perrault
Applicant: Dennis Perrault and Fotenn Consultants Inc.

Councillor Neill discussed the list of potential uses and inquired if a green grocer would be permitted. Ms. Didrikson responded that the food or general store use would likely cover a green grocer as a permitted use.

Councillor Neill inquired if an art gallery would be a permitted use. Ms. Didrikson answered that there is permission for live/work space, which would be permitted in association with an art gallery.

Councillor Holland spoke to the timing of the application with respect to the North King's Town Secondary Plan process and expressed appreciation for the solution achieved between the property owner and City staff. She discussed the strategic plan goal of commercial development along Montreal Street and expressed hope for that spirit to prevail.

Councillor Hutchison inquired of staff the timeframe for the completion of the North King's Town Secondary Plan. Ms. Agnew responded that the next stage of the Plan will be starting soon, with completion expected in 12 months.

Councillor Hutchison sought clarity regarding the applicability of the North King's Town Secondary Plan. Ms. Agnew clarified the Plan does not apply at this time as it is not completed.

Councillor Hutchison sought further details regarding the recommendation. Ms. Venditti stated that the recommendation is written in such a way as to state that the proposed zoning amendment is within the Official Plan.

Councillor Hutchison spoke to the difficulty of coming to a decision on the application, adding that the application represents the best compromise given the framework and policy to which it is subject.

Moved by Councillor Turner
Seconded by Councillor Osanic

That it be recommended to Council that the application for a zoning by-law amendment (File Number D14-026-2017) submitted by Dennis Perrault and Fotenn Consultants Inc., for the property municipally known as 306-308 Montreal Street, be approved; and

That By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 8499) to Report Number PC-17-103; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

Carried

Motions

There were none.

Notices of Motion

There were none.

Other Business

Councillor Neill inquired about the status of the Brownfields Community Improvement Plan report that was deferred at the previous meeting. Ms. Venditti stated that it may

come back to the Committee in December as another statutory public meeting is requirement due to changes made to the report.

Correspondence

See agenda and addendum.

Date and Time of Next Meeting

The next meeting of the Planning Committee is scheduled for Thursday November 2, 2017 at 6:30 p.m. at the Portsmouth Olympic Harbour – Press Lounge.

Adjournment

Moved by Councillor Holland
Seconded by Councillor Osanic

That the meeting of the Planning Committee adjourn at 9:53 p.m.

Carried