



**City of Kingston
Report to Planning Committee
Report Number PC-17-021**

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: January 19, 2017
Subject: Comprehensive Report
File Number: D09-030-2015, D14-120-2015 & D12-022-2015
Address: 700 Gardiners Road
Application Type: Official Plan & Zoning By-Law Amendment & Draft Plan of Subdivision
Owner: Taggart (Gardiners) Corporation
Applicant: FOTENN Consultants Inc.

Executive Summary:

The following is a comprehensive report recommending approval to the Planning Committee regarding applications for Official Plan and zoning by-law amendment and draft plan of subdivision submitted by FOTENN Consultants Inc., on behalf of Taggart (Gardiners) Corporation, with respect to the subject site located at 700 Gardiners Road.

The property is located in a 'Business District' and designated 'General Industrial' in the City of Kingston Official Plan and is zoned site specific Light Industrial Zone 'M2-31' in Zoning By-Law Number 76-26.

The applicant is proposing to develop a subdivision with a mix of uses including high, medium and low density residential uses (approximately 1,041 residential units); commercial uses; a school and two public parks. To accommodate the proposal, the applicant is proposing to amend the Official Plan to locate the property within a 'Housing District' and to change the land use designations to 'Residential', 'District Commercial' and 'Open Space'. The zoning is proposed to be amended to permit high density residential, medium density residential, low

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density residential, general shopping centre uses, institutional uses and open space uses in accordance with the Official Plan amendment.

Public Meetings were held on July 2, 2015, June 16, 2016 and December 15, 2016 for these applications.

Recommendation:

That it be recommended to Council that the applications for Official Plan and zoning by-law amendment and draft plan of subdivision (File Number D09-030-2015, D14-120-2015 & D12-022-2015) submitted by FOTENN Consultants Inc., on behalf of Taggart (Gardiners) Corporation, for the property municipally known as 700 Gardiners Road, be approved; and

That the City of Kingston Official Plan, as amended, be further amended, amendment number 52 as per Exhibit A (Draft By-Law and Schedules A through D to Amend the Official Plan) to Report Number PC-17-021; and

That By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A to Amend Zoning By-Law Number 76-26) to Report Number PC-17-021; and

That the draft plan of subdivision be subject to the conditions as per Exhibit C (Draft Plan of Subdivision Conditions) to Report Number PC-17-021; and

That Council determines that no further notice is to be given in respect to the Official Plan amendment by-law as no substantial changes were made to the amendment after holding the Public Meeting; 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 zoning by-law; and

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

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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:

Denis Leger, Commissioner, Corporate & 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:**Background and Decision Date**

In accordance with By-Law Number 2007-43, these applications were subject to a pre-application meeting held on June 17, 2014, with the Planning Division and various other departments and agencies. Following this, a formal submission was made by the applicant on April 24, 2015, and on May 22, 2015 the applications were deemed complete in accordance with the *Planning Act*.

In accordance with the *Planning Act*, these applications were subject to a decision by Council on or before October 21, 2015 which is 180 days after a complete application was received. The applications are proposing to convert employment lands to other uses. In accordance with Section 22(7.3) of the *Planning Act*, if the Official Plan contains policies dealing with the removal of land from areas of employment, there is no appeal if Council refuses an application that proposes to remove any lands from areas of employment.

Staff have been working with the applicant throughout the processing of these applications to achieve greater density and a mix of land uses for this proposed development. It has taken time to work through these details which has resulted in the recommendation to the Planning Committee extending beyond the 180 days.

Application and Submission

The subject lands are located in a 'Business District' and designated 'General Industrial' in the City of Kingston Official Plan and are zoned site specific Light Industrial Zone 'M2-31' in Zoning By-Law Number 76-26.

The applicant is proposing to develop the property to permit approximately 1,045 residential units, a 5.0 hectare commercial area and a 4.9 hectare area for a new school. The residential unit composition is proposed to be 214 single family units, 231 row house units, 450 apartment units in three apartment buildings and 150 senior apartment units. The proposal also includes two parks (5,684 square metres and 16,211 square metres), along with six walkway blocks and an area for a stormwater management pond.

To accommodate the proposal, the applicant is requesting to amend Schedule 2 of the Official Plan to locate the property in a 'Housing District' and to change the land use designations to 'Residential', 'District Commercial' and 'Open Space'. Amendments to the zoning are proposed to permit high density residential, medium density residential, low density residential, general shopping centre uses; a school and open space uses.

In support of the applications, the applicant has submitted the following:

- Demonstration Report, prepared by FOTENN Consultants Inc.
- Urban Design Brief, prepared by FOTENN Consultants Inc.
- Draft Plan of Subdivision, prepared by Leslie M. Higginson Surveying Ltd. (Exhibit I)
- Servicing Report, prepared by Josselyn Engineering Inc.

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- Stormwater Management Report, prepared by Josselyn Engineering Inc.
- Traffic Impact Study, prepared by AECOM
- Phase II Environmental Site Assessment, prepared by Paterson Group
- Noise Impact Feasibility Study, prepared by J.E. Coulter Associates Limited
- Neighbourhood Concept Plan, prepared by WND Associates
- Existing Tree Plan, prepared by Josselyn Engineering Inc.
- Market Demand & Impact Assessment, prepared by Malone Given Parsons Ltd.
- Archaeological Assessment – Stage 2, prepared by Abacus Archaeology Services

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Site Characteristics

The subject property is approximately 40.75 hectares in size and is located east of Gardiners Road and south of Taylor-Kidd Boulevard, and is municipally known as 700 Gardiners Road (Exhibit D - Key Map). The lands are in the Gardiners/Meadowbrook neighbourhood (City of Kingston Neighbourhood Profiles 2011) (Exhibit E- Neighbourhood Context). Existing dwellings in the neighbourhood are predominantly single detached houses (34%) with semi-detached dwellings (19%) and mid-rise apartment buildings (19%) also prevalent.

The property has frontage onto Taylor-Kidd Boulevard, a collector road, and is also bounded by a hydro corridor on the southern and eastern boundary. Commercial uses are adjacent to the property on the west side. Existing residential neighbourhoods are present on the north side of Taylor-Kidd Boulevard and the east side of the hydro corridor.

The property was formally a Nortel facility which contained a large industrial building. The majority of the building has been demolished, with a small section remaining at the west of the property. The majority of the site is now vacant.

Provincial Policy Statement

The Provincial Policy Statement (2014) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

Section 1.3.2 requires that planning authorities plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs. The Official Plan amendment application is proposing to amend the existing ‘General Industrial’ designation to a combination of ‘Residential’; ‘Open Space’; and ‘District Commercial’.

Section 1.3.2.2 states ‘planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been

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demonstrated that the land is not required for employment purposes over the long-term and that there is a need for the conversion’.

‘Comprehensive review’ is defined in the provincial policy statement as ‘an Official Plan review which is initiated by a planning authority, or an Official Plan amendment which is initiated or adopted by a planning authority, which:

- 1) Is based on a review of population and employment projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth or development; and determines how best to accommodate the development while protecting provincial interests;
- 2) Utilizes opportunities to accommodate projected growth or development through intensification and redevelopment; and considers physical constraints to accommodating the proposed development within existing settlement area boundaries;
- 3) Is integrated with planning for infrastructure and public service facilities, and considers financial viability over the life cycle of these assets, which may be demonstrated through asset management planning;
- 4) Confirms sufficient water quality, quantity and assimilative capacity of receiving water are available to accommodate the proposed development;
- 5) Confirms that sewage and water services can be provided in accordance with policy 1.6.6; and
- 6) Considers cross-jurisdictional issues.

The purpose of the Employment Land Strategy Review, completed by the municipality in 2015, was to undertake a comprehensive review of both City-owned and privately-owned employment lands within the City and to recommend a long-term vision and strategy to support long-term economic growth and to ensure the provision of an adequate supply of jobs for the City’s growing population.

The Strategy reviewed and made specific recommendations on the employment land use policies currently contained in the Official Plan and the regulations to be considered in the future Comprehensive Zoning By-Law. It is important that the City’s policies and zoning framework are appropriate, protect employment uses and deal with current and future economic trends. The Employment Land Strategy Review is part of the background for the City’s 5 Year Official Plan Update and the City’s Comprehensive Zoning By-Law Review.

In addition, the Employment Land Strategy Review fulfilled the *Planning Act* requirement for a municipal comprehensive review. The 2014 Provincial Policy Statement requires municipalities to provide for an appropriate mix and range of employment to meet the municipality’s long-term needs. Municipalities must ensure an adequate supply of land suitable for employment uses by protecting and preserving employment areas for current and future uses.

On April 16, 2015, the Planning Committee approved the following recommendation to Council:

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“That Council receive the City of Kingston Employment Land Strategy Review Final Report, dated March 2015, prepared by Watson & Associates Economists Ltd., attached as Exhibit A to Report 15-199; and

That the Employment Land Strategy Review Final Report be forwarded to the 5 year Official Plan Update project team and Comprehensive Zoning By-Law Review project team for consideration.”

Through the Industrial Land Strategy the applicant submitted an Industrial Employment Land Study, which identified the property as a good candidate for conversion from employment lands to other land uses. The proposal will provide a variety of different dwelling unit types and represents intensification through the redevelopment of a brownfield site, within close proximity to existing public service facilities. The Industrial Land Strategy reviewed a number of sites for potential conversion from employment land uses. Based on this review the subject lands were recommended for conversion.

The applicant has provided a detailed review and staff concur with their assessment, that it has been demonstrated that the land is not required for employment purposes over the long-term and that there is appropriate land for conversion to other land uses.

This proposal is consistent with the Provincial Policy Statement with respect to the following:

- Promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long-term (Section 1.1.1.a):
 - This site is a large underutilized brownfield property in a central location of the City that is located in the urban boundary, can be fully serviced and is in close proximity to transit routes, employment and shopping/service opportunities.
- Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs (Section 1.1.1.b):
 - The proposed Official Plan policy implements a minimum density requirement of 45 units per hectare to achieve higher density infill than is required in new subdivisions. The mix of residential uses proposed together with a potential school and commercial area provides a mixed use neighbourhood that will meet the needs of the future and existing residents in the immediate area.
- Avoiding development and land use patterns which may cause environmental or public health and safety concerns (Section 1.1.1.c):
 - On June 23, 2016 Council approved an amendment to the Brownfields Community Improvement Plan to create a project area for the lands subject to this application.

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Development of these lands represents the cleanup and redevelopment of a brownfield site in a key location in the City.

- Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs (Section 1.1.1.e):
 - The requirement for a higher residential density and mixed use development on these lands promotes efficient and cost effective development on an existing underutilized property.
- Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and project needs (Section 1.4.3.c):
 - A mix of housing types has been required through the recommended zoning by-law amendment. It has been confirmed through a servicing analysis that the site can be adequately serviced by municipal infrastructure and provisions have been included in the proposed zoning to address both minimum and maximum density limits based on available servicing capacity.
- Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (Section 1.4.3.d):
 - The property is bounded by an Arterial Road to the north and in close proximity to Gardiners Road to the west. Access to transit facilities will be provided through the proposed development as well as on the main boundary roads. Pedestrian circulation has also been reviewed for this proposal to ensure pedestrian routes to nearby existing and proposed commercial uses, to the proposed school and throughout the proposed subdivision.

Official Plan Considerations

The subject property is located in a 'Business District' as shown on Schedule 2 of the Official Plan (Exhibit F – OP City Structure). Section 2.2 of the Official Plan states that the City is divided into broad, structural elements which are intended to remain stable for the duration of the Plan. Business Districts are primarily intended to accommodate employment opportunities (Section 2.2.7). These include General Industrial and Business Park Industrial designations as well as the Waste Management Industrial Designation. Given the proximity of residential uses to the lands there would be concerns with locating large scale industrial use on this property. The site has been sitting vacant and underutilized for a number of years while the lands to the east and west have developed around the site.

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The applicant is proposing to change the area of the subject property to a 'Housing District'. It is the intent that Housing Districts will be designated for residential uses of different types, but will also contain areas of local open space, community facilities and neighbourhood or district commercial designations.

Based on a review of the applications and submission of supporting material, staff are recommending that Schedule 2 be amended for the subject lands to a Housing District to accommodate the proposal. This is compatible with the existing residential neighbourhoods to the north and east of the site and provides a transition to the existing regional commercial uses that are established to the west and south of the lands.

The subject property is designated 'General Industrial' in the City of Kingston Official Plan (Exhibit G – OP Land Use). The 'General Industrial' designation is an area of employment that is intended to provide convenient locations for manufacturing, wholesale trade, construction, transportation, storage, communications, utilities and similar uses. The main uses permitted within the 'General Industrial' designation include manufacturing, assembling, fabricating and processing operations; construction and transportation activities and facilities; storage, warehousing and wholesale trade activities; communications facilities and utilities; automotive, heavy equipment and truck repair facilities, and towing compounds; institutional uses with General Industrial characteristics; and municipal works yards, water treatment and sewage treatment facilities. Certain uses are also permitted as complementary uses. The uses currently permitted under the Official Plan are not generally compatible with the existing residential neighbourhoods to the east and north of the site.

Section 2.1 of the Official Plan establishes policies regarding Sustainable Development and states that the Official Plan sets out a vision for the City to the horizon year 2026. Strategies to attain sustainability of development include reducing pollution and rehabilitating polluted areas, applying conservation practices; reducing energy consumption and arranging and phasing land uses in a manner that reduces consumption of land and energy and prevents premature public spending. The proposed land conversion will allow a mixed use development and redevelopment of a brownfield site inside the urban boundary that is consistent with this goal. The site makes use of existing municipal infrastructure without the need for inefficient extension of services. The required density through the Official Plan amendment is transit supportive and higher than in other areas of the City as it was recognized that this site was an ideal location for intensification and transition from a primarily low density residential neighbourhood to a higher density land use toward the existing commercial development.

Section 2.1.2 of the Plan states that "most growth will occur within the Urban Boundary where development will be directed to achieve greater sustainability through:

- a. Appropriate densities;
- b. Land use patterns that foster transit and pedestrian activity;
- c. Enhanced accessibility for all residents, visitors and workers;

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- d. Opportunities for sharing resources such as parking, utilities and the land base for locally grown produce, in the form of community gardens, as well as educational, recreational or cultural assets;
- e. Direction of new development and key land uses to areas where they can best result in sustainable practices;
- f. Promotion of employment opportunities and alliances that enhance local skills, educational resources and the use of local products, including food;
- g. Maximized use of investments in infrastructure and public amenities;
- h. Strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use;
- i. Parks that are planned to be accessible by urban residents within a ten minute walk; and
- j. An ecosystem approach to protecting the natural heritage system.”

The proposed Official Plan and zoning by-law amendments and draft plan of subdivision achieve many of these goals. A minimum residential density of 45 units per hectare is required in the Official Plan; this is higher than the 37.5 units per hectare required in other areas of the City. The subdivision has been reviewed in detail to ensure connectivity within the development and with adjacent developed areas; this will provide better pedestrian routes through the neighbourhood and improve access to transit locations. Accessibility will be reviewed in greater detail through Site Plan Control for the high density and commercial uses. Sidewalks, bus stops and parkland will be designed to be accessible in accordance with municipal standards. The inclusion of a district commercial component to this subdivision will provide services to meet the needs of the residents of the subdivision and surrounding residential areas as well as provide additional employment opportunities in the immediate area. With respect to maximizing the use of investments in municipal infrastructure and public amenities, this subdivision will provide a connection between two existing developed areas and make use of existing municipal infrastructure. In the past, there were concerns that there was no parkland in the Stonebridge subdivision to the east, the location of the parkland and school block as well as the potential for the Hydro Corridor to become a trail will provide a linkage between the two subdivisions and enhance the availability of parkland in the broader area.

The property subject to these applications has been approved by Council to be included as a project area in the Brownfields Community Improvement Plan (CIP). The majority of the industrial building that occupied the site has been demolished. The redevelopment of this property will revitalize this area of the City that has had a large vacant industrial site for many years, provide additional opportunities for employment and a range of housing options to address the needs of the community. Two park blocks are proposed in the subdivision at two central locations to address the needs of the residents.

Section 2.1.3 of the Plan further states that “The City’s sustainability program encourages large scale developments to establish mixed land use development areas that provide for employment, personal service and convenience retail land uses to be located in close proximity to residential land uses, subject to compatibility”. This is achieved through the mix of uses proposed in this subdivision. The proposed amendments and draft plan of subdivision are consistent with the sustainability goals of the Official Plan.

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Section 2.3 of the Official Plan contains policies regarding the Principles of Growth. This policy states “that a modest level of intensification is planned by way of urban infill development and redevelopment of underutilized and brownfield sites”. The policy section also states that within the newly developing large scale vacant areas located within the Urban Boundary, more compact development will be encouraged in order to efficiently use infrastructure, minimize land consumption, support the use of public transit, reduce air and other forms of pollution and foster sustainable growth in the City.

Section 2.3.5 further states that it is the intent of the plan to increase the overall residential unit densities and mixed land use character of large-scale residential developments in newly developing areas in order to more efficiently use infrastructure, promote transit use and enhance the continued sustainability of the City’s cultural and natural resources.

Section 2.3.6 contains policies regarding employment and states that within the urban area the City will promote and protect areas of employment and pursue increased levels of job creation in the commercial, institutional and industrial sectors to foster a diversified and vigorous economic base with a range of opportunities for its residents. A district commercial development is proposed as part of the overall plan for these lands which will provide employment options. In addition, live-work units have been included within the medium density housing form proposed for the site.

The lands as they currently exist are providing no employment opportunities although current and past owners have attempted to market the site for industrial uses. Through the Employment Land Strategy review these lands were considered and recommended for conversion from industrial to mixed use which is currently proposed. The recommended Official Plan policy includes a minimum density requirement which will ensure compact and efficient development. The zoning as structured requires a variety of housing forms which is consistent with the policies of the Official Plan. Inclusion of a school block and district commercial uses to serve the needs of the intended residents and surrounding community is consistent with the intent and policies of the Official Plan.

Section 2.4 of the Plan provides direction regarding the phasing of growth. The goal of these policies is to “guide growth within the urban boundary and to establish Future Development Areas for future urban growth and infrastructure planning to ensure that the City develops in a compact and orderly manner within its ability to support a full range of utilities, infrastructure and social services. Policy 2.4.6(a) further states that lands located within the Urban Boundary that have servicing capacity currently in place, including infill opportunities, brownfield sites and other vacant or under-utilized properties have the first priority for development.

To achieve this vision the City supports the development of a compact, efficient, urban area with a mix of land uses and residential unit densities that optimize the efficient use of land in order to (2.4.1):

- a. Reduce infrastructure and public facility costs;
- b. Reduce energy consumption and greenhouse gas emissions;

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- c. Support pedestrian movement, cycling and viable public transit; and
- d. Conserve agriculture and natural resources in the City.

While there is no agriculture present on the lands, or natural resources impacted by the current development proposal, the subdivision will make use of existing infrastructure. This development will result in bringing residential uses into an existing urban area potentially reducing energy consumption by bringing people closer to their places of work and local amenities as well as providing a large scale residential development on an underutilized site inside the urban boundary. This will reduce pressure to expand the urban boundary by providing a medium to long-term supply of housing in a central location. Pedestrian circulation, cycling opportunities and transit supportive densities have been a key consideration throughout the planning process for this site. The recommended Official Plan amendment requires a minimum density of 45 units per hectare for this development and the zoning has been structured to implement this through a variety of housing forms. The resulting subdivision is transit supportive and pedestrian friendly with connections included to the existing surrounding neighbourhoods and commercial properties.

Section 3.6 of the Official Plan is the land use policies for Employment Areas. The redesignation of employment lands is addressed in Section 3.6.5 of the Official Plan. The policy states that “proposals for the redesignation of lands for uses other than those permitted in areas of employment, or to add a range of uses to an area of employment that are primarily permitted in another land use designation, will not be approved unless it has been demonstrated to the satisfaction of Council that the land is not required for employment area uses over the long-term, and that there is a need for the redesignation.”

The following criteria have been considered as part of the assessment of whether the proposed redesignation is appropriate:

- The proposal will only be considered in conjunction with a review that addresses the following matters to the satisfaction of Council:
 - The proposal will not detrimentally affect the short and long-term employment area land supply of the City, the supply of serviced land, or jeopardize the City's capacity to meet its long-term requirements for areas of employment;
 - The intensity, characteristics and impacts associated with the proposed use will not detrimentally impact the viability, desirability or the proper servicing of existing and future surrounding land uses;
 - The site's physical and natural characteristics, development constraints, and location will justify the consideration of non-employment uses on the subject lands; and
 - Redesignation of areas of employment abutting major transportation corridors, including railways, highways and major Arterial Roads is discouraged.
- In addition to the above section, the proposed redesignation must meet the following conditions:
 - The amount of land affected is minor in area based on the projected employment area land requirements within the planning horizon of the Official Plan;

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- The development of the subject lands is demonstrated to the satisfaction of Council not to be feasible for employment area uses within the planning horizon of the Official Plan;
- There are no alternative sites, designated and approved for the proposed use elsewhere in the City;
- The proposal will have a beneficial impact on the surrounding uses and broader community; and
- The development of the subject lands for non-employment uses will meet a public need identified by Council resolution.

The majority of the site (46%, excluding streets and walkways), is proposed to be developed for residential uses, and is proposed to be redesignated to a 'Residential' designation. The goal of the designation is 'to respond to the housing needs of the City's citizens by retaining and augmenting a broad range of housing within a safe, convenient and stable setting, organized primarily into neighbourhoods'. The applicant is proposing a mix of high-density, medium-density and low-density residential uses. Low density residential uses will primarily be located in the southeast area of the property adjacent to existing established residential uses. Medium and high density uses will then transition to the west toward the existing RioCan centre and the proposed district commercial uses toward the northern portion of the site.

Low density residential land uses include single-detached dwellings, semi-detached dwellings, duplexes and triplexes that have a density up to 30 units per net hectare of land (Section 3.3.A).

Medium density residential land uses include such building types as townhouses, maisonettes, walk-up or small-scale apartments, and mixed use buildings with commercial on the ground floor (Section 3.3.B). The density range for medium density extends from 30 up to 75 units per net hectare. Generally, medium density residential projects will be located on a site that is appropriate given the context of surrounding land uses; adjacent to, or in proximity to, commercial areas; in an area that has access to public transit; and in proximity to parkland and open space.

High density land uses primarily include apartments and mixed use buildings with commercial on the ground floor with a density of 75 units per net hectare or more. Generally, high density residential projects will be located on the periphery of a low or medium density residential neighbourhood; adjacent to, or in proximity to, commercial areas; on an Arterial or Collector Road designed for public transit; and in proximity to parkland and open space.

An approximate 5.0 hectare area of the subdivision is proposed to be redesignated to a 'District Commercial' designation (Section 3.4D) in the Official Plan. The 'District Commercial' designation is intended to provide for the commercial service needs of the neighbourhood, and includes such uses as a grocery store, convenience store, post office, bank, restaurant and day care centre.

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Outside of the Central Business District any proposed new commercial designation that is above 5,000 square metres in floor area, must include a market justification study and impact assessment, site plan and transportation study which are to the satisfaction of Council.

The market justification study and impact assessment must demonstrate to Council's satisfaction (Section 3.4.10) that:

- The type and size of the proposed facilities are warranted;
- There will be no negative impact on the Central Business District and that its market opportunity and value to the community as a commercial core will not be seriously impaired;
- The planned function of existing or approved sites in the retail hierarchy within the relevant trade area will not be undermined; and
- The geographic distribution of commercial functions and facilities will continue to provide convenient service to all residents of the relevant trade area.

The applicant submitted a Market Demand & Impact Assessment, prepared by Malone Given Parsons, which was peer reviewed as part of the applications. The Peer Review concluded that the Kingston market “would be able to support the project with no significant impact on the planned function of existing commercial nodes elsewhere in Kingston, including the downtown core”. Recommendations of the study have been incorporated into both the draft Official Plan amendment and the draft zoning by-law amendment, including a maximum gross floor area for all commercial uses and also a maximum gross floor area of a supermarket.

Three areas of the proposed subdivision, with a combined area of approximately 3.6 hectares, are proposed to be redesignated to an ‘Open Space’ designation (Section 3.8). Permitted uses include active recreation uses, such as sports fields and sports centres; passive recreation uses and forms of urban agriculture, such as community gardens and garden plots; landscaped areas; conservation areas, woodlots and forestry reserves; and major cemeteries and related uses.

The applications propose a new mixed use community that will fill in the lands located between the Stonebridge subdivision to the east and the RioCan commercial development to the west. When the Stonebridge subdivision was approved by the municipality, road extensions were acquired from Hydro One across their corridor to facilitate future road extensions to the subject lands. In addition, warning clauses were registered on title to the properties along these roadways to notify owners that there would be a future road connection in these locations.

When Phase 2 of the RioCan Development was approved by the municipality, clauses were included in the Site Plan Control agreements indicating that at such time as the municipality requires the private roadways to become public that they will be conveyed to the City. This condition applies to the roadway currently known as Entell Drive as well as the north south road that extends from Taylor-Kidd Boulevard behind the commercial development. Through this proposed subdivision both roadways will become public and be improved to a public standard with appropriate intersections and sidewalks. The preservation of these connections and

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requirement for public roads support the fact that the lands subject to this application have always been contemplated for future development.

Through the City of Kingston Employment Land Strategy review, it was identified that the site had limited market potential for redevelopment for industrial uses given that it is not connected to a larger industrial park area and is too small for a standalone industrial park development. In addition, the location being removed from the 401 is not supportive of manufacturing or distribution businesses that require proximity to the transportation corridor. The proximity of the site to the CN rail main line does not present viable options for this location.

The Urban Growth Boundary Update (2014) Report identified the Nortel Lands as a special policy area which could potentially accommodate 1,526 residential housing units. The draft plan of subdivision proposes 1,041 units. While the City has sufficient residential land supply through its vacant greenfield lands and infill/redevelopment opportunities to meet long-term residential land needs, the supply opportunities to meet medium-term demand are more limited. With other key special policy areas, including the Collins Bay Penitentiary lands and Alcan District lands likely not to develop over the medium term, the need for the Nortel Lands to accommodate residential development over this time period is considered important to maintain sufficient supply and market choice in the residential sector. A residential needs analysis prepared by Malone Given Parsons in support of this development confirms that the City requires a significant share of the subject lands to be utilized for residential uses to achieve its residential lands needs to 2031, including a mix of residential types. The conversion of the site to permit residential uses is warranted from a land needs perspective. Permitting residential uses on a portion of the site provides the area with the best possible opportunity for successful redevelopment.

The proposed site specific Official Plan policies redesignate the lands to permit a mix of residential, commercial and institutional uses. The residential policies require a minimum density of 45 residential units per net hectare. The inclusion of this policy is important to ensure that a higher density is maintained throughout the build out of this community and that zoning permissions are not obtained to reduce the overall density. A key component to differentiate this subdivision from others is that it supports compact urban form with a mix of housing types and densities.

The recommended District Commercial policies for this site are consistent with the recommendations of the market study for this development and restrict uses that would not be compatible or satisfy the intent of the Official Plan for uses that would serve the immediate community. Automobile sales and service stations are prohibited in this land use designation.

A school block is proposed in this subdivision which could represent a valuable community focal point. Site specific policies have been included to permit a secondary school within the residential land use designation. Should a school board not choose to proceed with developing a school following the five year period established in the draft plan of subdivision conditions, the lands could be resubdivided and zoned to permit residential uses subject to conformity with the site specific residential policies for the lands.

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Zoning By-Law Considerations

The subject property is zoned as site-specific Light Industrial Zone 'M2-31' in Zoning By-Law Number 76-26, as amended (Exhibit H – Existing Zoning). The uses permitted in the 'M2-31' zone include an assembly plant; a contractors or tradesman's shop; a dry-cleaning or laundry plant; a fabricating plant; a manufacturing plant; a processing plant; a public use; a retail lumber outlet; a service shop; a transportation depot; a warehouse; a renewable and/or alternative energy source use; trade show use; recreational use; professional and business office; a daycare; a restaurant; a financial institution; a personal service establishment; and a convenience commercial use.

A total of eight site-specific zones have been incorporated into the draft zoning by-law (Exhibit B). This includes separate zones for the proposed low, medium and high density areas in the subdivision; an institutional zone for the proposed school(s); open space zones for the proposed parks and stormwater management facility; and a commercial zone for the proposed 5.1 hectare block adjacent to Taylor-Kidd Boulevard.

A minimum residential density provision has been incorporated into each residential zone to implement the proposed Official Plan policy regarding a minimum density of 45 dwelling units per net hectare. The proposed draft plan shows a residential density of 54.2 units per hectare for the residential zones. Maximum residential densities have also been incorporated into the higher density zones to address potential servicing constraints raised by Utilities Kingston.

A maximum height restriction of 136 metres above sea level has been incorporated into the residential high density and commercial zone to implement restrictions from the Transport Canada Kingston Airport Zoning Regulations. This is a maximum overall height and excludes any standard exceptions regarding height such as mechanical equipment.

The low and medium density zones are largely replications of recent zones in newer subdivisions in the Woodhaven neighbourhood and on the west side of Highway 15. Provisions have been incorporated which will only allow the front wall of the dwelling to be set back behind an attached garage if a covered front porch is incorporated into the design of the house. This will assist in improving the streetscape of the neighbourhood by eliminating the possibility of a garage dominated dwelling design. Maximum driveway widths have also been incorporated into the zoning.

A site-specific R4 zone has been included at the southwest portion of the proposed draft plan. This zone will permit a seniors residence in addition to apartment buildings.

The opportunity for live-work units has been incorporated into the proposed R2-32 zone, which will provide additional flexibility to future homeowners and/or tenants, and will add to the concept of a mixed use community. Permitted live-work uses include an artists or photographers studio; a day care facility; and a professional office.

The proposed C5-13 commercial zone will permit a variety of commercial uses, which are intended to serve the adjacent neighbourhood and the surrounding district. Permitted uses include a bank; a business or professional office; a personal service shop; a restaurant; a retail

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store; and a supermarket. In addition, the zoning will also permit mixed commercial and residential buildings; apartment buildings and seniors residences. Restrictions have been included regarding the maximum permitted floor area of the commercial uses based on the recommendations of the submitted market study.

An Institutional zone has been included for the proposed school block. This would permit both a secondary school and elementary school, in addition to other uses including a church, community centre and nursery school. This block is proposed to be included as part of the residential designation. This would permit, subject to a zoning by-law amendment application, residential uses if the block was not developed for institutional uses. The draft plan conditions for the subdivision include a 5 year limit for the school board to exercise their option to purchase the lands. This condition has been reviewed and accepted by the school boards.

Each of the proposed zones includes a minimum residential density to ensure that the Official Plan policy for a minimum density of 45 units per hectare is achieved. In the high density zones, a maximum density has also been included to ensure that the developments fall within the servicing parameters identified by Utilities Kingston through their review of these applications.

A holding provision has been included on all of the proposed zoning to ensure that adequate servicing capacity (water and sewer) is available to the property prior to any final Plan of Subdivision approval. The holding provision for the commercial zone will also ensure that municipal sampling manhole (Municipal-Industrial Strategy for Abatement (MISA)) is included for any development in accordance with Utilities Kingston by-laws. The applicant will be required to fulfill conditions in Section 6(6) of Zoning By-Law Number 76-26 along with any zone specific provisions, in order to remove the 'H' symbol.

The high density residential uses and commercial uses will be subject to Site Plan Control applications to ensure that all municipal concerns are addressed and technical details of the developments are reviewed in detail.

Draft Plan of Subdivision Discussion

Section 51(24) of the *Planning Act* states that in considering a draft plan of subdivision, "regard shall be had among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality". Regard shall also be had to the following criteria:

- (a) The effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2 of the *Planning Act*;
- (b) Whether the proposed subdivision is premature or in the public interest;
- (c) Whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;
- (d) The suitability of the land for the purposes for which it is to be subdivided;
- (e) The number, width, location and proposed grades and elevations of highways and the adequacy of them, and the highways linking the highways in the proposed

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- subdivision with the established highway system in the vicinity and the adequacy of them;
- (f) The dimensions and shapes of the proposed lots;
 - (g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
 - (h) Conservation of natural resources and flood control;
 - (i) The adequacy of utilities and municipal services;
 - (j) The adequacy of school sites;
 - (k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
 - (l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
 - (m) The interrelationship between the design of the proposed plan of subdivision and Site Plan Control matters relating to any development on the land, if the land is also located within a Site Plan Control area designated under subsection 41(2) of the *Planning Act*.

In bringing forward this recommendation, staff have reviewed the above criteria, and are of the opinion that each of the criteria have been addressed in the design of the subdivision and through draft plan conditions. The proposed subdivision is an orderly development within the overall City, being a large single landholding centrally located, with adequate utilities available. The proposed plan of subdivision provides an appropriate street system with connections to existing roads to the north, east and west. It will also involve the upgrade of two currently private roads to municipal standards which was contemplated through the development of the adjacent lands and ensured through Site Plan Control. The subdivision will also utilize street connections across the Hydro Corridor that were acquired through a previous subdivision process to ensure future access to the subject lands. A school block has been centrally located within the subdivision, together with two separate parks, one located to the east of the subject property and one located in the northwest portion of the site, in locations supported by the City's Recreation & Leisure Services Department. The parks will be centrally located for the overall neighbourhood once developed. It is the opinion of staff that the subdivision is not premature and will be developed in phases.

In accordance with Section 51(25), the City is proposing to impose a set of conditions on the Owner, which must be satisfied in advance of any final plan of subdivision approval. The draft plan conditions are attached as Exhibit C to this report. Conditions have been included regarding potential temporary walkways if the overall development is phased, to ensure adequate pedestrian connectivity; requirements regarding parkland conveyance; servicing and stormwater requirements; and requirements for multiple technical studies to be updated and implemented in the final design. Conditions have also been included to ensure that construction traffic is brought onto the site from Taylor-Kidd Boulevard and does not travel through any existing residential areas.

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Other Applications

2015 - An application for amendment to the Community Improvement Plan for Brownfields (File Number D18-002-2015) to create a new project area within the CIP for 700 Gardiners Road (By-Law Number 2016-137) approved by Council on June 23, 2016.

2010 – A zoning by-law amendment application (File Number D14-191-2010) was approved (By-Law Number 2010-224) which permitted recreational uses within the now demolished structure, along with professional and business service offices; daycare; restaurant; financial institution; personal services establishment; convenience commercial; trade show uses; and renewable energy sources.

There have also been previous applications on the former larger landholding which has now been developed separately as commercial uses along Gardiners Road.

Technical Analysis

These applications have been circulated to external agencies and internal departments for review and comment. After completing the technical review process, there are no outstanding concerns which have not been resolved or included in the conditions of draft approval (Exhibit C).

Final Subdivision Approval

The applicant will be required to submit an application for final subdivision approval which includes, among other matters, engineering design approval, implementing the recommendation of supporting reports, execution of a subdivision agreement, deeding of lands for Municipal purposes and final plan registration.

During final subdivision approval, the applicant will be responsible for the clearance of all the conditions of draft plan approval.

Public Comments

The following is a summary of all of the public input received to-date, including the public submissions received at the Public Meetings held on July 2, 2015, June 16, 2016 and December 15, 2016. All original public comments are available in Exhibit K of this report.

There have been two pieces of correspondence received from a member of the public regarding these applications; these are included in Exhibit K to this report. In addition, there is a response from the applicants' consultant to one of these submissions that is included in the exhibit. Below is a summary of the public comment and responses.

- Question: Will there be construction traffic coming through Wheathill and Swanfield Streets?

Response: A draft condition has been included that requires construction traffic to be routed through the property being developed to avoid any construction traffic being routed through the local streets and residential areas.

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- Question: How will the existing residential areas be impacted by the road connections for Wheathill and Swanfield Streets?

Response: The road network has been configured to not provide any direct connections through local roads to the commercial area or Taylor-Kidd Boulevard. In addition, a draft plan condition is included to take securities for any required traffic calming measure that may be necessary to address additional traffic on existing residential areas.

- Question: Is there justification to change the property from Business District to permit over 1,000 residential units?

Response: Information regarding the residential potential for this site was addressed through the applicants request to have this land converted through the Employment Lands Review. It was stated in the report that the Urban Growth Boundary Update (2014) identified the Nortel Lands as a special policy area that could accommodate 1,526 housing units and that this site was suitable for meeting the medium range land needs to provide housing supply. The study concluded that the conversion of the site to permit residential uses was warranted from a land needs perspective and that the site should be redesignated from General Industrial to Residential/Mixed-Use/Commercial.

- Question: What will be done to create a positive community space in this subdivision?

Response: The school block and parks are community focal points through this development. Sidewalks are proposed on both sides of the street of Wheathill and Newport Avenue to ensure pedestrian flow through the community. The Official Plan amendment also includes identifying a potential pathway along the Hydro Corridor lands that will provide additional outdoor recreational opportunities for the residents in this area. The high density residential block, including the block intended for the Seniors Residence, have been located in close proximity to a park block and both the zoning and draft plan of subdivision conditions require a 10 metre pedestrian connection from the commercial block to the parkland. There has been much consideration and review of pedestrian flows through the subdivision and connectivity with existing uses.

- Question: How will this development mesh with the City's goals of sustainability?

Response: Section 2.1 of the Official Plan states that the Official Plan sets out a vision for the City to the horizon year 2026. Strategies to attain sustainability of development include reducing pollution and rehabilitating polluted areas, applying conservation practices; reducing energy consumption and arranging and phasing land uses in a manner that reduces consumption of land and energy and prevents premature public spending. The proposed land conversion will allow a mixed use development and redevelopment of a brownfield site within the urban boundary that is consistent with this goal. The site makes use of existing municipal infrastructure without the need for inefficient extension of services. The required density through the Official Plan amendment is transit supportive and higher than in other areas of the City as it was

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recognized that this site was an ideal location for intensification and transition from primarily low density residential neighbourhood to a higher density land use toward the existing commercial development.

- Question: What will be done to minimize traffic and parking issues?

Response: The original submission included a number of 18 metre right-of-ways; staff have worked with the applicant to provide 20 metre right-of-ways throughout most of the subdivision. The road network has been designed to limit the ability for cut through traffic from local roads and securities will be taken through the subdivision process for any future required traffic calming measures. The existing private roads through the RioCan development will be required to be brought up to public standard and this will include a detailed review of intersections to improve the existing situation on the site. Transit has reviewed the plan and potential locations of transit stops and will continue to do so through the final design process. Transit has no concerns regarding access of residents to bus stop locations.

- Question: What is the right amount of space to set aside for parkland?

Response: The parkland shown on the draft plan of subdivision has been calculated based on 5% of the land area as permitted by the *Planning Act*. A draft condition has been included that states if there is further subdivision of the school block for residential or it is repurposed for some other use then further parkland conveyance will be required and cash-in-lieu is not an alternative. There is a park block proposed adjacent to the school block both of which are in close proximity to the existing subdivision to the east which does not contain any parkland. The location of these will provide outdoor public space for the residents of the general area without the need to cross Taylor-Kidd Boulevard to get to parkland.

- Question: What will be done to increase the tree canopy in this area?

Response: A significant portion of this site was paved and developed with the former Nortel plant. A tree inventory was submitted in support of these applications. Through the subdivision two park blocks and a stormwater block will be dedicated to the municipality which will be landscaped. In addition, the developer will be required to provide a street tree plan for the subdivision. The commercial block and high density residential blocks will be subject to Site Plan Control and through that process landscaping plans will also be required. The tree inventory identifies 57 trees on this property, these will be reviewed through the final subdivision approval process and any required compensation or protection measures will be implemented through the final subdivision agreement.

- Question: What will be done to ensure that stormwater management is sufficient to control sediments from entering water systems?

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Response: Through the final subdivision approval process, a detailed stormwater management plan is required to be approved by the Cataraqui Region Conservation Authority and the Municipality and any specific control measures will be included in the subdivision agreement and registered on title. The commercial and high density residential blocks will be subject to Site Plan Control approval prior to development, any additional stormwater conditions will be imposed through the more detailed Site Plan Control process.

- Question: What will the houses and the streetscape look like?

Response: An urban design report was prepared and submitted with the second submission for these applications which illustrates the various housing options for this subdivision. The zoning standards that are being recommended are the same as in many other subdivisions throughout the City with minimum side yard setbacks ranging from 0.6 to 1.2 metres. The setbacks of the zone vary depending on the form of housing proposed. Provisions have been included in the recommended zoning to address the location of the garages to ensure that garages and driveways do not become a predominant streetscape feature.

- Question: How close will houses be to the hydro corridor?

Response: The layout of the subdivision has been revised and reduced the number of residential lots that abut the hydro corridor. The required rear yard setback for the lots that abut the hydro corridor is 6 metres. Hydro One has reviewed the applications and indicated that they have no concerns subject to the inclusion of standard conditions of draft plan approval that include warning clauses on title to inform property owners of the presence of their infrastructure.

Effect of Public Input on Draft By-Law and Draft Conditions

The recommended zoning has addressed public concerns by including provisions to control the width of driveways and the location of garages so the streetscape is not dominated by these features. Where live/work units are provided in the zoning there is a provision requiring an additional parking space to address the need for any parking related to the permitted business. With respect to on street parking concerns, 18 metre right-of-ways were originally proposed. The subdivision has been amended to include primarily 20 metre right-of-ways to ensure that there is adequate room for snow storage, on-street parking opportunities and the planting of street trees. In addition, the draft plan conditions include the requirement for sidewalks on both sides of Wheathill Street and Newport Avenue to provide a better pedestrian environment and more connectivity through the subdivision.

Draft conditions have also been included to ensure that construction traffic does not access the site through the existing residential areas or local streets. Construction access will be through the site. To address concerns regarding additional traffic on the extensions of Wheathill and Swanfield Streets, a draft condition has been included requiring securities for any required traffic

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calming measures. In addition, the subdivision has been designed to discourage direct routes to Taylor-Kidd Boulevard and adjacent commercial development.

Conclusion

The applications for Official Plan and zoning by-law amendments and draft plan of subdivision for this property are consistent with the Provincial Policy Statement. The conversion of the lands from employment to residential was supported through the Comprehensive Review of City of Kingston Employment Land Strategy Review. The Official Plan amendment satisfies the intent of the Plan and implements the strategic policy direction as established in the document. The proposed amendments and draft plan of subdivision represent redevelopment of a brownfield site inside the urban boundary of the City. The amendment requires a minimum density that is transit supportive and represents appropriate infill on a large underutilized property. The proposed residential units are necessary to achieve the required medium term housing needs of the municipality as identified through the Urban Growth Boundary Review and the Employment Land Strategy Review. The proposed District Commercial uses will provide services to support the residents of the community as well as additional opportunities for employment. Connectivity and linkages between the proposed development and existing development to the east and west have been considered in the review of these applications and will be implemented through the subdivision approval process. The draft plan of subdivision conditions address the technical details regarding the subdivision of the land and creating lots in accordance with the recommended zoning.

The applications for Official Plan and zoning by-law amendment and draft plan of subdivision represent appropriate development of an underutilized site and constitute good land use planning. It is the recommendation of the Planning Division that these applications be approved.

Existing Policy/By-Law:

The proposed amendment was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province's and the City's vision of development. The following documents were assessed:

Provincial*Planning Act*

Provincial Policy Statement, 2014

Municipal

City of Kingston Official Plan

Zoning By-Law Number 76-26

Notice Provisions:

Public Meetings were held respecting these applications on July 2, 2015, June 16, 2016 and December 15, 2016. 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 Meetings. In addition, notices were sent by mail to 115 property

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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 on December 6, 2016.

If the applications are approved, a Notice of Adoption, a Notice of Passing and a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

At the time of the writing of this report, two pieces of public correspondence have been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

Contacts:

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

Marnie Venditti, Manager Development Approvals 613-546-4291 extension 3256

Other City of Kingston Staff Consulted:

Not applicable

Exhibits Attached:

- Exhibit A Draft By-Law and Schedules A through D to Amend the Official Plan
- Exhibit B Draft By-Law and Schedule A to Amend Zoning By-Law Number 76-26
- Exhibit C Proposed Draft Plan of Subdivision Conditions
- Exhibit D Key Map
- Exhibit E Neighbourhood Context (2015)
- Exhibit F Official Plan, City Structure
- Exhibit G Official Plan, Land Use
- Exhibit H Zoning By-Law Number 76-26, Map 5

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Exhibit I Draft Plan of Subdivision

Exhibit J Public Notice Notification Map

Exhibit K Public Comments

By-Law Number 2017-XXX

**A By-Law to Amend The Official Plan For The City Of Kingston Planning Area
(Amendment Number 52, 700 Gardiners Road)**

Passed: [Meeting Date]

Whereas public meetings were held regarding this amendment on July 2nd, 2015, June 16th, 2016 and December 15th, 2016;

Now Therefore the Council of The Corporation of the City of Kingston, in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c.P13, hereby enacts as follows:

1. The Official Plan for the City of Kingston is hereby amended by the following map changes which shall constitute amendment number 52 to the Official Plan for the City of Kingston.
 - (a) **Amend** Schedule '2', 'City Structure', of the City of Kingston Official Plan, by changing the lands identified as 'Business District' to 'Housing District' for the property located at 700 Gardiners Road, as shown on Schedule 'A' to By-Law Number 2017-_____.
 - (b) **Amend** Schedule '3-A', 'Land Use', of the City of Kingston Official Plan, so as to re-designate the property located at 700 Gardiners Road, as shown on Schedule 'B' to By-Law Number 2017-_____, from 'General Industrial' to 'Residential', 'District Commercial' and 'Open Space'.
 - (c) **Amend** Schedule '3-D', 'Site Specific Policies', of the City of Kingston Official Plan, so as to designate the property located at 700 Gardiners Road, as shown on Schedule 'C' to By-Law Number 2017-_____, as 'Site Specific Policy Area Number 58'.
 - (d) **Amend** Schedule '5', 'Pathways', of the City of Kingston Official Plan, so as to include a 'Proposed Pathway or Trail', as shown on Schedule 'D' to By-Law Number 2017-_____.

2. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Site Specific Policy as Section 3.18.58:

"Lands formally known as 700 Gardiners Road, Schedule 3-D. SSP Number 58

3.18.58 The 40.75 hectare lands located on the south side of Taylor-Kidd Boulevard, east of Gardiners Road, and abutting a hydro corridor to the east, are identified as a Housing District on Schedule 2 and

designated 'Residential', 'District Commercial' and 'Open Space' on Schedule 3, and are shown on Schedule 3-D as Area 58.

It is intended that the lands will be developed with a mix of uses, including high density residential; medium density residential; low density residential; commercial; a school; and open space. It is the intent of this plan that the lands will be developed in accordance with the following site specific policies, in addition to any other relevant policies of this Plan.

Residential

The Urban Residential Density of lands within the Residential designation and zoned within the implementing zoning by-law for residential uses shall be a minimum of 45 residential units per net hectare.

High-density residential buildings are permitted to front onto the main north-south road on the west of the special policy area, being a local road, if adequate access can be provided for active transportation and vehicles to an Arterial or Collector Road, and demonstrated to the satisfaction of the City through technical studies.

High density residential projects are encouraged to be oriented towards public streets so as to contribute to the pedestrian environment and the overall character of development, experienced from within the public realm. The siting of high density residential uses must demonstrate compatibility as considered against the policies of Section 2.7 of this Plan. Further, the design of any high density residential development must address the urban design policies of Section 8 to ensure the built form of the development is compatible with that of adjacent land uses.

The design and location of any high density residential use should contribute to the enhancement of the pedestrian environment by: supporting the establishment of pedestrian linkages between different land uses thereby lessening local reliance on the private automobile; providing unconstrained and direct access to public transit stops; enhancing sightlines throughout the lands subject to these site-specific policies; and by incorporating infrastructure that will accommodate active transportation.

Schools

A secondary school is permitted within the Residential designation and is not required to have direct frontage onto an Arterial or Collector Road if adequate access is provided via Newport Avenue to Taylor-Kidd Boulevard.

Elementary schools are permitted in accordance with the policies of the Official Plan.

District Commercial

The intent of the District Commercial area is to serve the residents of the adjacent neighbourhood and wider community, promote community interaction by providing a visual identity from Taylor-Kidd Boulevard and provide active transportation linkages to adjacent residential and open space areas.

As the main visual identity to the overall development within the site specific policy area, all proposed development within the District Commercial area is encouraged to be designed so that:

- Buildings are to be oriented towards public sidewalks and public streets to complement and enhance the streetscape character of the south side of Taylor-Kidd Boulevard west of the subject site. Buildings located internal to the property should be orientated towards internal sidewalks and streets. Buildings oriented interior to the commercial site should include glazing and architectural details in their façade design so there are no blank masonry walls facing a public street or residential properties to result in both a public and internal streetscape that is pedestrian friendly. Solitary buildings surrounded by large open spaces will be discouraged so as to enhance the pedestrian streetscape;
- Building façades oriented towards public streets shall incorporate significant design elements, such as portions of glazing, so as to improve the streetscape, with blank building facades strongly discouraged;
- Buildings façades are strongly defined and given individual yet compatible identities;
- Building heights are encouraged to be a minimum of two storeys;
- Parking shall be designed in such a manner as to support the site, rather than dominate the site;
- Appropriate building setbacks and arrangement are incorporated into the site design to ensure compatibility with any abutting residential designations or sensitive land uses and to minimize any adverse effects to such uses, as demonstrated against the policies of Section 2.7;

- Planting strips, landscaped traffic islands, and/or paving articulation ought to be used to define vehicle routes and smaller parking courts that provide pedestrian walkways, improve edge conditions, and minimize the negative impact of surface parking;
- Loading and service areas are screened from prominent public areas and adjacent residential areas;
- The site design will contribute to the enhancement of active transportation and in particular will place a priority on connections between the site and adjacent uses including the parkland south of the commercial area and high and medium density residential areas.

Mixed use buildings are encouraged within the District Commercial designation.

In accordance with policy 3.4.D.7 of the Plan, medium and high density residential uses are permitted as upper storey uses, above ground-floor commercial uses, or as independent buildings. In order to support the establishment of a mixed use community, being defined by these site specific policies, a minimum of 2,500 square metres of commercial uses shall be provided within the District Commercial designation.

As justified through market analyses, the combined maximum gross floor area for all commercial uses within the District Commercial designation must not exceed 10,700 square metres, as established in the implementing zoning by-law.

The commercial uses are encouraged to be developed as part of the initial stage of development on the District Commercial lands. If independent residential buildings are developed in advance of any commercial uses, it shall be demonstrated to the satisfaction of the City that the ability to maintain a functional, appropriately designed space for any future commercial building or mixed use building, will be maintained. The appropriateness of site design will take into account the policies of Section 8 of this Plan and any commercial design guidelines as may be established by the City.

Automobile sales and uses, gas stations and gas bars are prohibited in the District Commercial area.

New drive-through facilities within the District Commercial area must address the land use compatibility criteria of Section 2.7 of this Plan and shall be located and designed to ensure safe, efficient and comfortable movement of all modes of active transportation

and achieve a streetscape with buildings and storefronts oriented to the street.

Parking

All parking areas for any commercial or high-density residential uses are to be landscaped, bermed or fenced where appropriate and constructed so as to prevent large expanses of paved areas. Parking should be screened from view and located in courtyards where possible or at the rear of buildings. Parking and loading facilities must be designed to provide for safe and convenient vehicular and active transportation movement and should be designed with regard to pedestrian linkages.

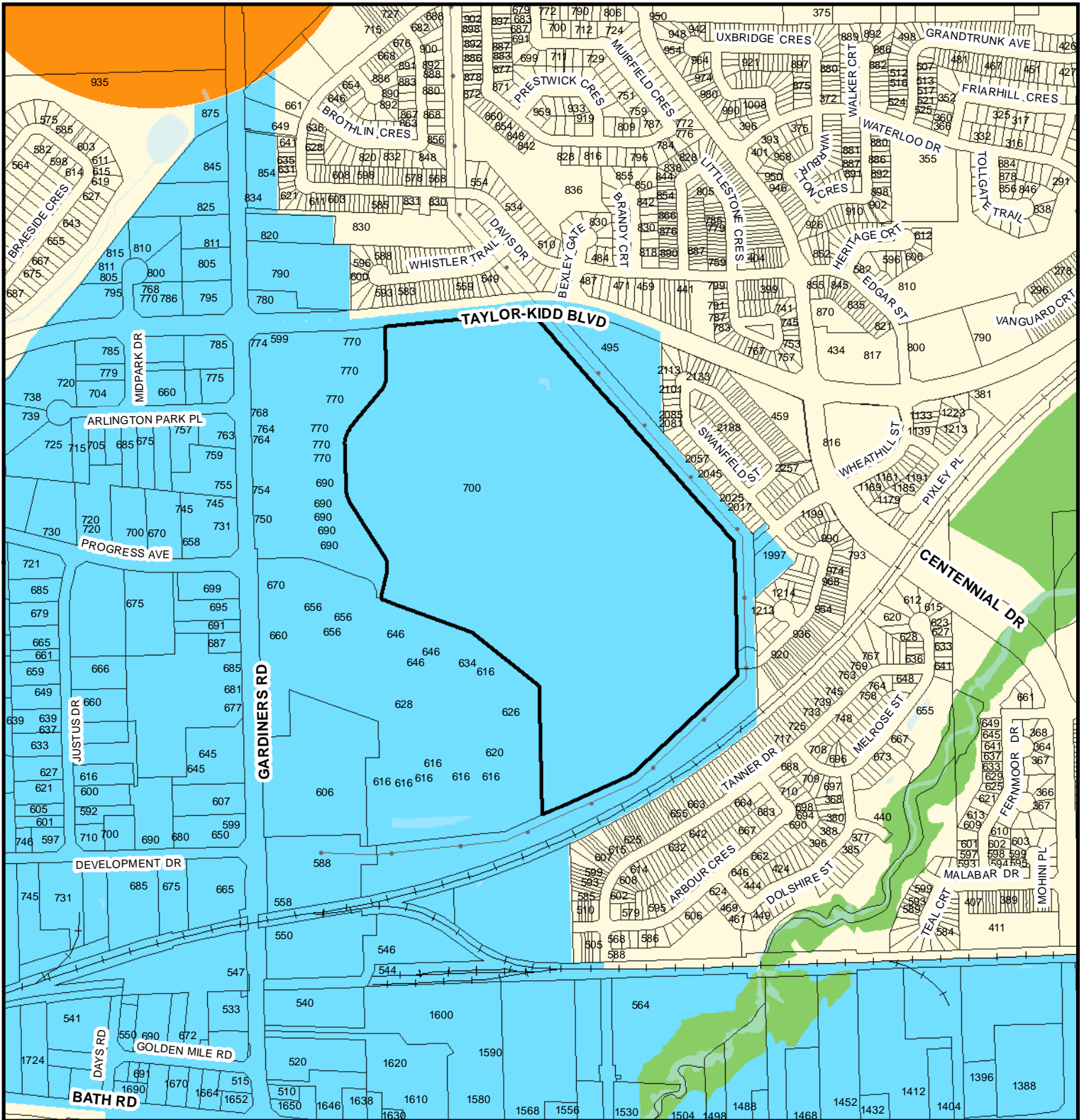
Adjacent recreational trail

The City will explore opportunities for a recreational trail on the adjacent hydro corridor.

3. This by-law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this by-law in accordance with the provisions of Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be. Given all Three Readings and Passed: [Meeting date]

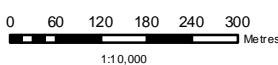
John Bolognone
City Clerk

Bryan Paterson
Mayor



**SCHEDULE 'A' TO BY-LAW NUMBER
OFFICIAL PLAN AMENDMENT NUMBER 52**

Applicant: FOTENN Consultants
 Owner: Taggart (Gardiners) Corporation
 File Number: D09-030-2015
 Address: 700 Gardiners Road



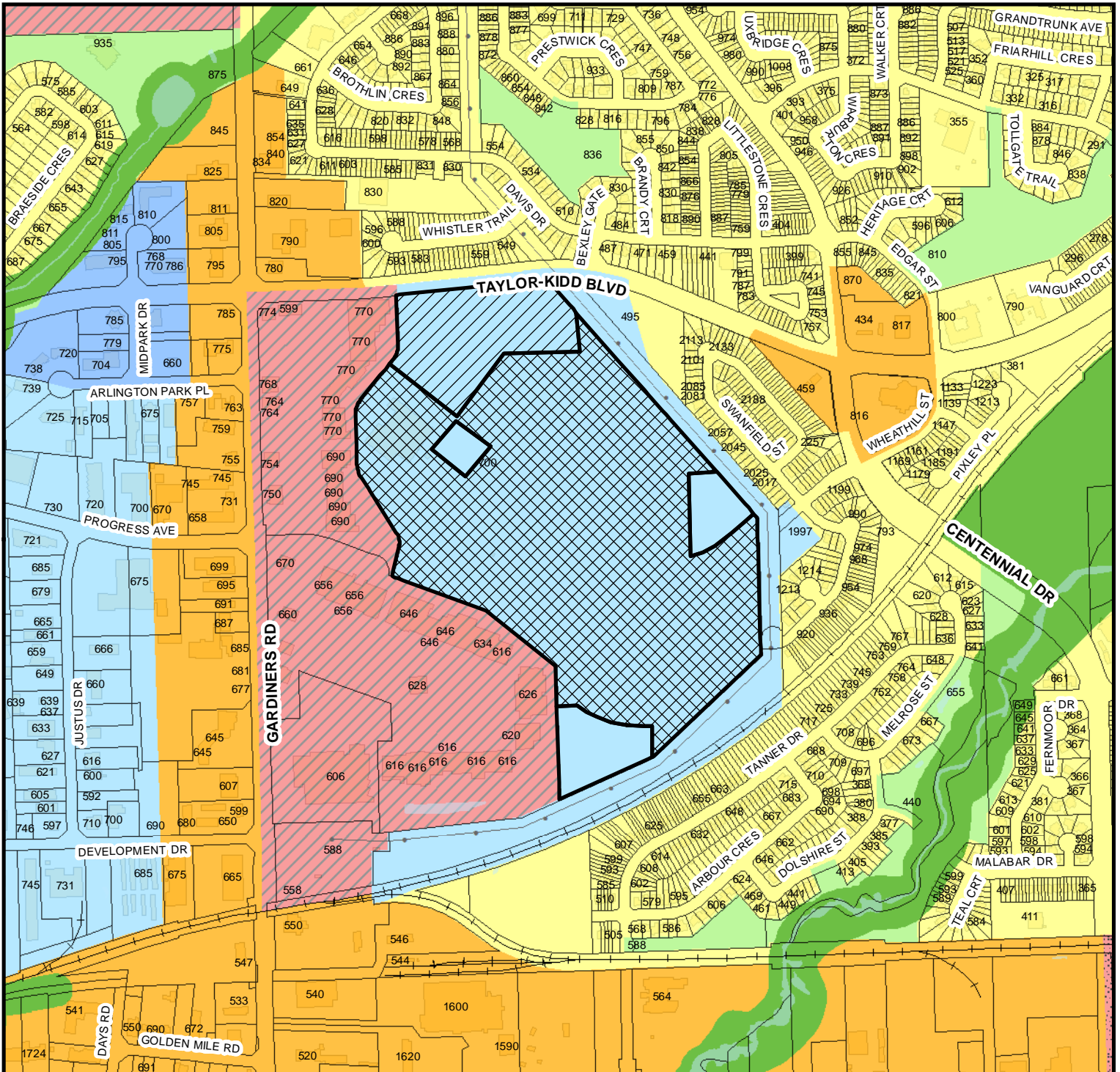
LEGEND

Official Plan Schedule 2, City Structure

Lands Subject to change from Business District to Housing District

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____,
 passed this _____ day of _____ 2016.

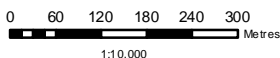


Planning, Building & Licensing Services

a department of Community Services




SCHEDULE 'B' TO BY-LAW NUMBER OFFICIAL PLAN AMENDMENT NUMBER 52

Applicant: FOTENN Consultants
 Owner: Taggart (Gardiners) Corporation
 File Number: D09-030-2015
 Address: 700 Gardiners Road



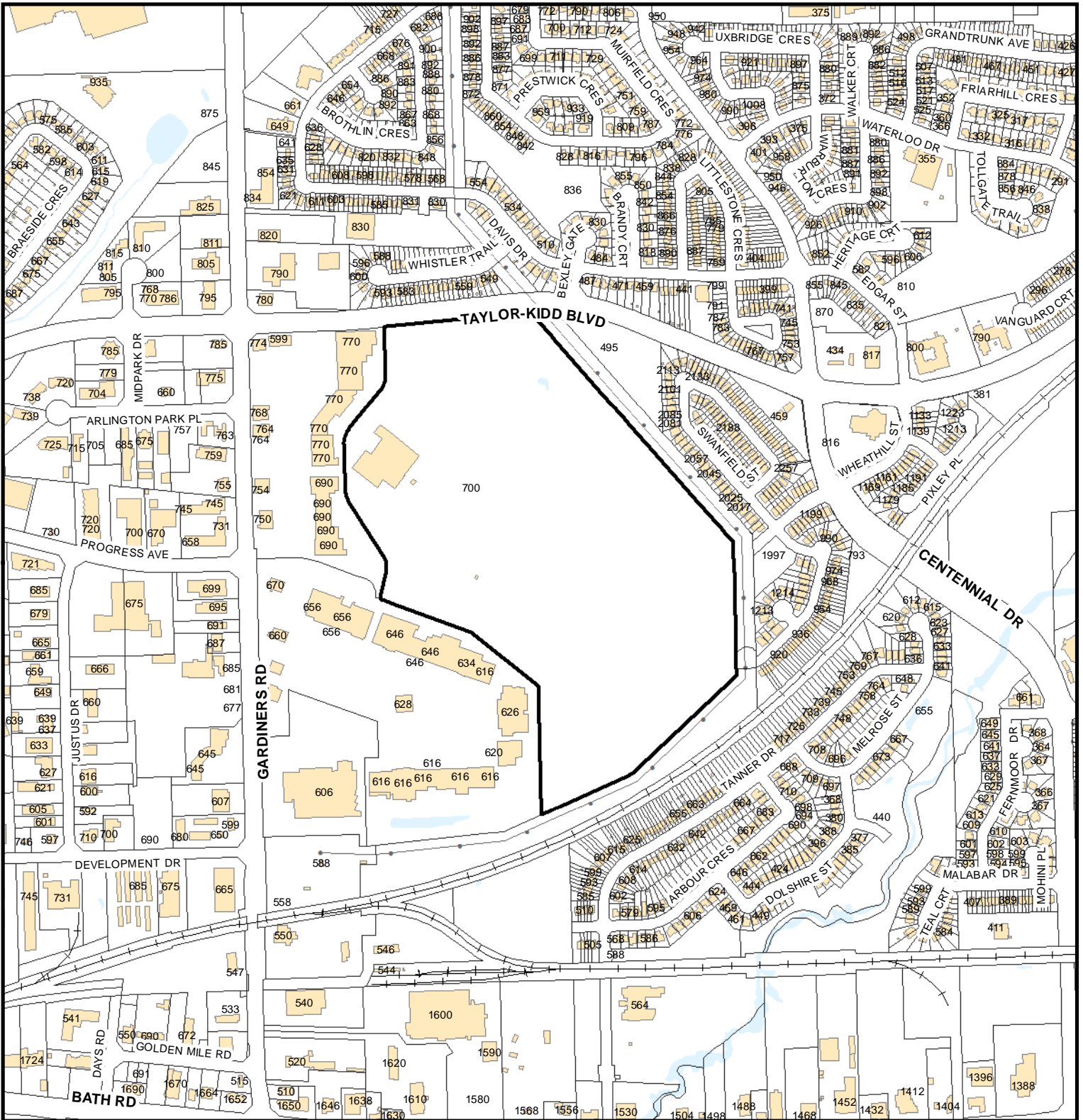
LEGEND

Official Plan Schedule 3-A, Land Use

-  Lands Subject to change from General Industrial to District Commercial
-  Lands Subject to change from General Industrial to Open Space
-  Lands Subject to change from General Industrial to Residential

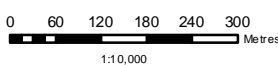
Certificate of Authentication

This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 2016.




**SCHEDULE 'C' TO BY-LAW NUMBER
OFFICIAL PLAN AMENDMENT NUMBER 52**

Applicant: FOTENN Consultants
 Owner: Taggart (Gardiners) Corporation
 File Number: D09-030-2015
 Address: 700 Gardiners Road



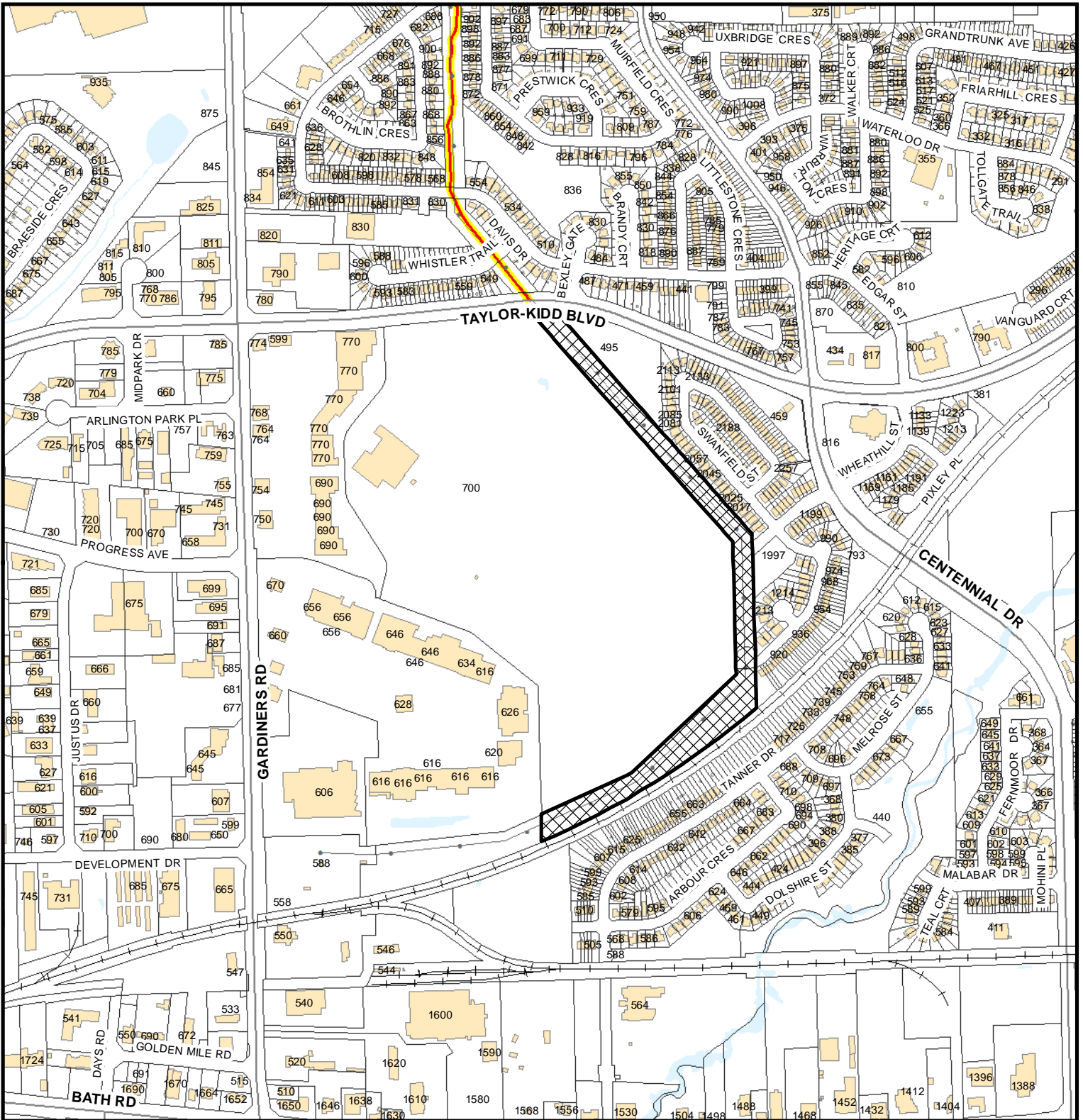
LEGEND

- Official Plan Schedule 3-D, Site Specific Policy Area
-  Lands Subject to Site-specific Policy Area 58

Certificate of Authentication

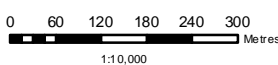
This is Schedule 'C' to By-Law Number _____,
 passed this _____ day of _____ 2016.






**SCHEDULE 'D' TO BY-LAW NUMBER
OFFICIAL PLAN AMENDMENT NUMBER 52**

Applicant: FOTENN Consultants
 Owner: Taggart (Gardiners) Corporation
 File Number: D09-030-2015
 Address: 700 Gardiners Road



LEGEND

Official Plan Schedule 5, Pathways
 Area to be shown as 'Proposed Pathway or Trail'

Certificate of Authentication

This is Schedule 'D' to By-Law Number _____,
 passed this _____ day of _____ 2016.



By-Law Number 2017-XX

A By-Law to Amend By-Law Number 76-26, “A By-Law to Regulate the use of lands and the Character, Location and use of Buildings and Structures in The Township of Kingston” (Zone Change from ‘M2-31’ to ‘C5-13-H’ ‘R5-21-H’ ‘OS-20-H’ ‘R3-32-H’ R2-45-H’ ‘R2-46-H’ ‘R4-40-H’ and ‘I-H’, (700 Gardiners Road)

Passed: [Meeting Date]

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal Corporation and pursuant to the Minister’s Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 76-26, as amended, of the former Township of Kingston;

Therefore be it resolved that the Council of the Corporation of the City of Kingston hereby enacts as follows:

- 1. By-Law Number 76-26 of The Corporation of the City of Kingston, entitled “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. Map 5 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘M2-31’ to ‘C5-13-H’ ‘R5-21-H’ ‘OS-20-H’ ‘R3-32-H’ R2-45-H’ ‘R2-46-H’ ‘R4-40-H’ and ‘I-H’, as shown on Schedule “A” attached to and forming part of By-Law Number 2017-_____.
 - 1.2. By **Adding** a new subsection 8(3)(u) thereto as follows:

“(u) **OS-20**

Notwithstanding the provisions of Section 5 and Section 8 hereof to the contrary, the lands designated ‘OS-20’ on Schedule ‘A’ hereto, the following regulations shall apply:

Permitted uses

Only the following uses shall be permitted:

- 1) Public park
- 2) Stormwater management facility
- 3) A public use in accordance with the provisions of Section 5(18) hereof.

1.3. By **Adding** a new subsection 13(3)(ss) thereto as follows:

“(ss) **R2-45**

Notwithstanding the provisions of Section 5 and Section 13 hereof to the contrary, the lands designated ‘R2-45’ on Schedule ‘A’ hereto, the following regulations shall apply:

1) Permitted Uses:

Only the following uses shall be permitted:

(a) Residential Uses:

- (i) Single Detached Dwelling House
- (ii) Semi Detached Dwelling House

(b) Non-Residential Uses:

- (i) A home occupation
- (ii) A public use in accordance with the provisions of Section 5(18) hereof

2) Density:

The minimum number of residential units per net hectare of land within the R2-45 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be 23 dwelling units per net hectare.

3) Lot Area (minimum): Not applicable

4) Lot Frontage:

The lot frontage shall mean the horizontal distance between the side lot lines, such distance being measured along a line which is parallel to the front lot line at a distance of 6.0 metres from the front lot line.

- (a) Corner Lot (Minimum):
 - (i) Single Detached Dwelling House: 10.9 metres
 - (ii) Semi Detached Dwelling House: 17.0 metres
 - (iii) Semi Detached Dwelling Unit: 9.6 metres
 - (b) Other Lot (Minimum):
 - (i) Single Detached Dwelling House: 9.1 metres
 - (ii) Semi Detached Dwelling House: 14.8 metres
 - (iii) Semi Detached Dwelling Unit: 7.4 metres
- 5) Front Yard Depth:
- (a) Minimum Depth: 4.5 metres
 - (b) Maximum Depth: 7.0 metres
 - (c) Notwithstanding subsections 13(3)(ss)(5)(a) and 13(3)(ss)(5)(b) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres front the front lot line, if the covered porch is constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling.
 - (d) Notwithstanding subsections 13(3)(ss)(5)(a), 13(3)(ss)(5)(b) and 13(3)(ss)(5)(c) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- 6) Exterior Side Yard Width (minimum): 2.4 metres
- 7) Interior Side Yard Width (minimum):
- (a) Single Detached Dwelling House:

The minimum aggregate interior side yard width shall be 1.8 metres, with no one side yard less than 0.6 metres in width. Where there is a corner lot on which there is only one interior side yard, the minimum depth shall be 0.6 metres.

(b) Semi Detached Dwelling House:

1.2 metres for a side that is not attached to another dwelling house

- 8) Rear Yard Depth (minimum): 6.0 metres
- 9) Lot Coverage (maximum): Not applicable
- 10) Garage:

Main Entry Feature means a platform, with at least one side open, covered by either a roof, balcony or enclosed space, with or without a foundation and/or basement that provide access to the dwelling unit.

Main Front Entrance means the door which is designed as the primary access point into the dwelling unit

(a) The wall of an attached private garage that contains the opening for a vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.

(b) The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry features or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.

11) Driveway Width:

The maximum width of a driveway for its entire length shall be:

- (i) Single Detached Dwelling House: lesser of 6.0 metres or 50% of lot width
- (ii) Semi Detached Dwelling Unit: lesser of 6.0 metres or 50% of lot width

12) Parking:

Parking is permitted in the interior side and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is in a driveway leading to a permitted parking area.

13) Sight Triangles:

Notwithstanding any regulations to the contrary:

(a) Uses Prohibited:

Within any area defined as a sight triangle, the following uses shall be prohibited:

- (i) A building, structure or use which would obstruct the vision of drivers of motor vehicles
- (ii) a fence, tree, hedge or other vegetation, the top of which exceeds 1.0 metres in height above the elevation of the centerline of the adjacent street
- (iii) an uncovered surface parking area
- (iv) a finished grade which exceeds the elevation of the centerline of the adjacent street by more than 1.0 metres

(b) Sight triangles are required on a corner lot:

(i) At all intersections:

A sight triangle is required by a line drawn from a point on the exterior side lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line, and a point on the front lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.”

1.4. By **Adding** a new subsection 13(3)(tt) thereto as follows:

“(tt) **R2-46**

Notwithstanding the provisions of Section 5 and Section 13 hereof to the contrary, the lands designated ‘R2-46’ on Schedule ‘A’ hereto, the following regulations shall apply:

1) Permitted Uses:

Only the following uses shall be permitted:

- (a) Residential Uses:
 - (i) Single Detached Dwelling House
 - (ii) Semi Detached Dwelling House
 - (iii) Three, Four or Five Unit Row Dwelling House
 - (a) a maximum of 10% of all row dwelling houses buildings are permitted to be five unit row dwelling house buildings.
- (b) Non-Residential Uses:
 - (i) a home occupation
 - (ii) a public use in accordance with the provisions of Section 5(18) hereof

2) Density:

The minimum number of residential units per net hectare of land within the R2-46 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be 24 dwelling units per net hectare.

3) Lot Area (minimum): Not applicable

4) Lot Frontage:

The lot frontage shall mean the horizontal distance between the side lot lines, such distance being measured along a line which is parallel to the front lot line at a distance of 6.0 metres from the front lot line.

- (a) Corner Lot (Minimum):
 - (i) Single Detached Dwelling House: 10.9 metres
 - (ii) Semi Detached Dwelling House: 17.0 metres
 - (iii) Semi Detached Dwelling Unit: 9.6 metres
 - (iv) Row Dwelling House: 9.1 metres
- (b) Other Lot (Minimum):
 - (i) Single Detached Dwelling House: 9.1 metres
 - (ii) Semi Detached Dwelling House: 14.8 metres

- (iii) Semi Detached Dwelling Unit: 7.4 metres
 - (iv) Row Dwelling House: 6.1 metres
- 5) Front Yard Depth:
- (a) Minimum Depth: 4.5 metres
 - (b) Maximum Depth: 7.0 metres
 - (c) Notwithstanding subsections 13(3)(tt)(5)(a) and 13(3)(tt)(5)(b) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres front the front lot line, if the covered porch is constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling.
 - (d) Notwithstanding subsections 13(3)(tt)(5)(a), 13(3)(tt)(5)(b) and 13(3)(tt)(5)(c) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- 6) Exterior Side Yard Width (minimum): 2.4 metres
- 7) Interior Side Yard Width (minimum):
- (a) Single Detached Dwelling House:
The minimum aggregate interior side yard width shall be 1.8 metres, with no one side yard less than 0.6 metres in width. Where there is a corner lot on which there is only one interior side yard, the minimum depth shall be 0.6 metres.
 - (b) Semi Detached Dwelling House:
1.2 metres for a side that is not attached to another dwelling house
 - (c) 1.2 metres for a side that is not attached to another dwelling house
- 8) Rear Yard Depth (minimum): 6.0 metres
- 9) Lot Coverage (maximum): Not applicable
- 10) Garage:

Main Entry Feature means a platform, with at least one side open, covered by either a roof, balcony or enclosed space, with or without a foundation and/or basement that provide access to the dwelling unit.

Main Front Entrance means the door which is designed as the primary access point into the dwelling unit

- (a) The wall of an attached private garage that contains the opening for a vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.
- (b) The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry features or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.

11) Driveway Width:

The maximum width of a driveway for its entire length shall be:

- (a) Single Detached Dwelling House: lesser of 6.0 metres or 50% of lot width
- (b) Semi Detached Dwelling Unit: lesser of 6.0 metres or 50% of lot width
- (c) Row Dwelling House:
 - (i) End unit: lesser of 4.0 metres or 50% of lot width
 - (ii) Other unit: 3.5 metres

12) Parking:

Parking is permitted in the interior side and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is in a driveway leading to a permitted parking area.

13) Sight Triangles:

Notwithstanding any regulations to the contrary:

- (a) Uses Prohibited:

Within any area defined as a sight triangle, the following uses shall be prohibited:

- (i) A building, structure or use which would obstruct the vision of drivers of motor vehicles
- (ii) a fence, tree, hedge or other vegetation, the top of which exceeds 1.0 metres in height above the elevation of the centerline of the adjacent street
- (iii) an uncovered surface parking area
- (iv) a finished grade which exceeds the elevation of the centerline of the adjacent street by more than 1.0 metres

(b) Sight triangles are required on a corner lot:

- (i) At all intersections:

A sight triangle is required by a line drawn from a point on the exterior side lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line, and a point on the front lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.”

1.5. By **Adding** a new subsection 14(3)(ff) thereto as follows:

“(ff) **R3-32**

Notwithstanding the provisions of Section 5 and Section 14 hereof to the contrary, the lands designated ‘R3-32’ on Schedule ‘A’ hereto, the following regulations shall apply:

1) Definitions:

For the purpose of the R3-32 zone, the following definitions shall apply:

- (a) ‘Live-work unit’ means a purpose built building or structure which combines space for a permitted non-residential use and a residential use

2) Permitted Uses:

Only the following uses shall be permitted:

(a) Residential Uses:

- (i) Semi Detached Dwelling House
- (ii) Row Dwelling House

(b) Non-Residential Uses:

Non-Residential Uses are permitted on the ground floor of a live-work unit within either a Semi Detached Dwelling House or a Row Dwelling House.

- (i) Artist's or Photographer's Studio
- (ii) Bake-shop
- (iii) Clinic
- (iv) Day Care Facility
- (v) Home Occupation
- (vi) Personal Service Shop
- (vii) Private art gallery
- (viii) Professional Office
- (ix) Public use in accordance with the provisions of Section 5(18) hereof

3) Density:

The minimum number of residential units per net hectare of land within the R3-32 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be 37.5 dwelling units per net hectare.

4) Lot Area (minimum): Not applicable

5) Lot Frontage:

The lot frontage shall mean the horizontal distance between the side lot lines, such distance being measured along a line which is parallel to the front lot line at a distance of 6.0 metres from the front lot line.

- (a) Corner Lot (Minimum):
 - (i) Semi Detached Dwelling House: 17.0 metres
 - (ii) Semi Detached Dwelling Unit: 9.6 metres
 - (iii) Row Dwelling House: 9.1 metres
- (b) Other Lot (Minimum):
 - (i) Semi Detached Dwelling House: 14.8 metres
 - (ii) Semi Detached Dwelling Unit: 7.4 metres
 - (iii) Row Dwelling House: 6.1 metres
- 6) Front Yard Depth:
 - (a) Minimum Depth: 4.5 metres
 - (b) Maximum Depth: 7.0 metres
 - (c) Notwithstanding subsections 14(3)(ff)(6)(a) and 14(3)(ff)(6)(b) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres front the front lot line, if the covered porch is constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling.
 - (d) Notwithstanding subsections 14(3)(ff)(6)(a), 14(3)(ff)(6)(b) and 14(3)(ff)(6)(c) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, constructed between the setbacks of 4.5 metres and 7.0 metres to the front wall of the main dwelling, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- 7) Exterior Side Yard Width (minimum): 2.4 metres
- 8) Interior Side Yard Width (minimum):
 - (a) Semi Detached Dwelling House:
1.2 metres for a side that is not attached to another dwelling house
 - (b) Row Dwelling House:

1.2 metres for a side that is not attached to another dwelling house

- 9) Rear Yard Depth (minimum):
 - (a) Semi Detached Dwelling House: 6.0 metres
 - (b) Row Dwelling House: 6.0 metres
- 10) Lot Coverage (maximum): Not applicable
- 11) Garage:

'Main Entry Feature' means a platform, with at least one side open, covered by a roof, balcony or enclosed space, with or without a foundation and/or basement that provide access to the dwelling unit.

'Main Front Entrance' means the door which is designed as the primary access point into the dwelling unit

- (a) The wall of an attached private garage that contains the opening for a vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.
- (b) The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry features or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit.

- 12) Driveway Width:

The maximum width of a driveway for its entire length shall be:

- (a) Semi Detached Dwelling Unit: lesser of 6.0 metres or 50% of lot width
- (b) Row Dwelling House:
 - (i) End unit: lesser of 4.0 metres or 50% of lot width
 - (ii) Other unit: 3.5 metres

13) Parking:

- (a) Parking is permitted in the interior side and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is in a driveway leading to a permitted parking area.
- (b) A live-work unit shall provide a minimum of 1 non-residential parking space

14) Sight Triangles

Notwithstanding any regulations to the contrary:

(a) Uses Prohibited:

Within any area defined as a sight triangle, the following uses shall be prohibited:

- (i) A building, structure or use which would obstruct the vision of drivers of motor vehicles
- (ii) A fence, tree, hedge or other vegetation, the top of which exceeds 1.0 metres in height above the elevation of the centerline of the adjacent street
- (iii) An uncovered surface parking area
- (iv) A finished grade which exceeds the elevation of the centerline of the adjacent street by more than 1.0 metres

(b) Sight triangles are required on a corner lot:

- (i) At the intersection of 'Wheathill Street and Newport Avenue' two sight triangles are required:

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line

that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

- (ii) At all other intersections:

A sight triangle is required by a line drawn from a point on the exterior side lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line, and a point on the front lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.”

- 1.6. By **Adding** a new subsection 15(3)(mm) thereto as follows:

“(mm) **R4-40**

Notwithstanding the provisions of Section 5 and Section 15 hereof to the contrary, the lands designated ‘R4-40’ on Schedule ‘A’ hereto, the following regulations shall apply:

- 1) Definitions:

For the purpose of the R4-40 zone, the following definitions shall apply:

- (a) ‘Seniors Residence’ means a building consisting of three or more dwelling units inclusive of nursing homes, rest homes, retirement homes, convalescent facilities, and palliative care facilities. A seniors’ residence shall not include a hospital, maisonette dwelling, a townhouse dwelling, or a triplex dwelling.

- 2) Permitted Uses:

Only the following uses shall be permitted:

- (a) Residential Uses:
 - (i) Apartment Dwelling House
 - (ii) Seniors Residence

(b) Non-Residential Uses:

(i) Seniors Residence:

Accessory medical and commercial uses related to the seniors residence, which shall service only the residents, employees or visitors to the senior's residence, including but not limited to:

- (a) banking facility
- (b) business or professional office
- (c) chapel
- (d) coffee shop
- (e) convenience store
- (f) day nursery
- (g) dining facilities
- (h) grocery store
- (i) medical clinic
- (j) personal service shop
- (k) pharmacy
- (l) recreational uses

3) Density:

(a) Minimum Density:

The minimum number of residential units per net hectare of land within the R4-40 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be:

- (i) Apartment Dwelling House: 124 dwelling units per net hectare
- (ii) Seniors Residence: 124 dwelling units per net hectare

(b) Maximum Density:

The maximum number of residential units per net hectare of land within the R4-40 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be 200 dwelling units per net hectare.

4) Lot Area (minimum): Not applicable

5) Lot Frontage:

The lot frontage shall mean the horizontal distance between the side lot lines, such distance being measured along a line which is parallel to the front lot line at a distance of 6.0 metres from the front lot line.

(a) Corner Lot (Minimum):

(i) Apartment Dwelling House: 33 metres

(ii) Seniors Residence: 33 metres

(b) Other Lot (Minimum):

(i) Apartment Dwelling House: 33 metres

(ii) Seniors Residence: 33 metres

6) Yard Depths (minimum):

(a) Apartment Dwelling House & Seniors Residence 3 metres

(i) West lot line 3 metres

(ii) South/ southeast lot line (Newport Ave) 3 metres

(iii) Northeast (Madison Ave) 3 metres

(iv) Northwest lot line 10 metres

(v) Notwithstanding 15(3)(mm)(6)(a)(i), 15(3)(mm)(6)(a)(ii) 15(3)(mm)(6)(a)(iii) and 15(3)(mm)(6)(a)(iv), a minimum yard depth of 10 metres shall be required where a lot line abuts any Residential Type 3 Zone 'R3'

(vi) Notwithstanding 15(3)(mm)(6)(a)(ii), for any building in excess of 6 metres in height, a minimum setback of 23.1 metres is required from the frontage of Newport Avenue from

the western intersection to the apex of the curvature of Newport Avenue.

- 7) Height of Building (maximum):
 - (a) Apartment Dwelling House & Seniors Residence:
 - 136 metres above sea level
 - The provisions of Section 5.8 – Height Exceptions, shall not apply within the R4-40 zone for Apartment Dwelling Houses and Seniors Residence

- 8) Privacy Yards:
 - Notwithstanding any provisions to the contrary, a privacy yard shall be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard shall be required. There shall be no required privacy yard where a loading area abuts the wall of a building.

- 9) Children’s Play Area (minimum) Not required

- 10) Parking Space Dimensions (minimum):
 - 2.6 metres wide by 5.2 metres long

- 11) Barrier-free Parking Space Vertical Clearance (minimum): 2.1 metres

- 12) Lot Coverage (maximum): Not applicable

- 13) Parking:
 - (a) Apartment Dwelling House & Seniors Residence:
 - (i) Parking is permitted in any yard.
 - (i) If parking is located within any yard adjacent to a street, a minimum 1.0 metre high berm shall be provided, which include a minimum 3.0 metres wide landscaping strip containing a mixture of coniferous and deciduous trees

- 14) Parking Aisle Lane Width (minimum): 6.1 metres

- 15) Sight Triangles
 - Notwithstanding any regulations to the contrary:

(a) Uses Prohibited:

Within any area defined as a sight triangle, the following uses shall be prohibited:

- (i) A building, structure or use which would obstruct the vision of drivers of motor vehicles
- (ii) a fence, tree, hedge or other vegetation, the top of which exceeds 1.0 metres in height above the elevation of the centerline of the adjacent street
- (iii) an uncovered surface parking area
- (iv) a finished grade which exceeds the elevation of the centerline of the adjacent street by more than 1.0 metres\

(b) Sight triangles are required on a corner lot:

(i) At all intersections:

A sight triangle is required by a line drawn from a point on the exterior side lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line, and a point on the front lot line 3.5 metres from the intersection of the exterior side lot line and the front lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.”

1.7. By **Adding** a new subsection 15A(3)(u) thereto as follows:

“(u) **R5-21**

Notwithstanding the provisions of Section 5 and Section 15A hereof to the contrary, the lands designated ‘R5-21’ on Schedule ‘A’ hereto, the following regulations shall apply:

1) Zoning Interpretation:

For the purposes of zoning interpretation the lands within the ‘R5-21’ zone shall be treated as a single parcel.

- 2) Density:
 - (a) Minimum: The minimum number of residential units per net hectare of land within the R5-21 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be 100 dwelling units per net hectare.
 - (b) Maximum: The maximum number of residential units per net hectare of land within the R5-21 zone on land to be used only for dwelling units, excluding roads, parks and other uses shall be 200 dwelling units per net hectare.

- 3) Yard Depths (minimum):
 - (a) West lot line 3 metres
 - (b) All other lot lines 10 metres
 - (c) Notwithstanding subsections 15A(3)(u)(3)(a) and 15A(3)(u)(3)(b) a below grade parking structure may have a minimum yard depth of 0.3 metres to any lot line.

- 4) Height of Building
 - (a) The maximum permitted height above sea level is 136 metres
 - (b) The provisions of Section 5.8 – Height Exceptions, shall not apply within the R5-21 zone

- 5) Privacy Yards:

Notwithstanding any provisions to the contrary, a privacy yard shall be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard shall be required. There shall be no required privacy yard where a loading area abuts the wall of a building.

- 6) Parking Space Dimensions (minimum):

2.6 metres wide by 5.2 metres long

- 7) Barrier-free Parking Space Vertical Clearance (minimum): 2.1 metres

- 8) Parking:
 - (a) Parking is permitted in any yard.
 - (b) If parking is located within any yard adjacent to a street, a minimum 1.0 metre high berm shall be provided, which includes a minimum 3.0 metres wide landscaping strip containing a mixture of coniferous and deciduous trees.
 - (c) Below grade parking may be located under a landscaping strip.
- 9) Parking Aisle Lane Width (minimum): 6.1 metres.
- 10) Lot coverage:

Below grade parking structures are not included in the calculation of lot coverage.
- 11) Children’s Play Area (minimum) Not required”

1.8. By **Adding** a new subsection 22(3)(n) thereto as follows:

“(n) **C5-13**

Notwithstanding the provisions of Section 5 and Section 22 hereof to the contrary, the lands designated ‘C5-13’ on Schedule ‘A’ hereto, the following regulations shall apply:

- 1) Definitions:

For the purpose of the C5-13 zone, the following definitions shall apply:

 - (a) ‘Gross Leasable Floor Area’ means the total area of each floor whether located above, at or below grade, measured from the interior of the outside walls and including floor area occupied by interior walls and floor area created by bay windows, but excluding:
 - Floor area occupied by shared mechanical, service and electrical equipment that serve the building;
 - Common hallways, corridors, stairwells, elevator shafts and other voids, steps and landings;
 - Bicycle parking, motor vehicle parking or loading facilities;

- Common laundry, storage and washroom facilities that serve the building or tenants;
- Common storage areas that are accessory to the principal use of the buildings; and,
- Common amenity area and play areas accessory to the principal use on the lot.

(b) 'Seniors Residence' means a building consisting of three or more dwelling units inclusive of nursing homes, rest homes, retirement homes, convalescent facilities, and palliative care facilities. A seniors' residence shall not include a hospital, maisonette dwelling, a townhouse dwelling, or a triplex dwelling.

2) Zoning Interpretation:

For the purposes of zoning interpretation the lands within the 'C5-13' zone shall be treated as a single parcel.

3) Permitted Uses:

The following uses shall also be permitted:

(a) Residential Uses:

- (i) Apartment Dwelling House
- (ii) Seniors Residence

(b) Non-Residential Uses:

- (i) Mixed Commercial / Residential Building
- (ii) Laboratory, research, development facility
- (iii) Data processing and related services operations
- (iv) Business or professional offices

(c) Notwithstanding Section 22(3)(n)(3), a business or professional office is only permitted on the upper floor(s) of a building and may not comprise more than 25% of the gross floor area of the building

(d) Holding Provision:

In addition to the provisions within Section 6(6)(iii) the following requirement shall also be complied with:

- (i) the holding symbol for the permitted uses of apartment dwelling house and seniors residence can only be removed if it can be demonstrated through a servicing report prepared by a Professional Engineer to the satisfaction of the City that adequate servicing and sanitary capacity is available.
- (ii) A MISA manhole is required to be included on the site for all non-residential uses to the satisfaction of Utilities Kingston.

4) Prohibited Uses:

Gasoline retail facility

5) Non-Residential Uses Gross Leasable Floor Area

(a) Maximum:

- (i) Total Gross Leasable Floor Area: 10,700 square metres
- (ii) Supermarket Floor Area: 4,200 square metres

(b) Minimum: 2,500 square metres

6) Ground Floor Height (Minimum):

The ground floor storey of all buildings/structures shall have a minimum floor-to-ceiling height of 4.0 metres.

7) Yard Depths (minimum):

- (a) All yards shall have a minimum depth of 3 metres.
- (b) Notwithstanding subsection 22(3)(n)(7)(i) a minimum yard depth of 15 metres shall be required where a lot line abuts any Residential Zone.
- (c) Notwithstanding subsection 22(3)(n)(7)(i) a minimum yard depth of 10 metres shall be required where a building or structure is greater than 13.5 metres in height above the grade at the lot line

- 8) Height of Building:
- (a) The maximum permitted height above sea level is 136 metres
 - (b) The provisions of Section 5.8 – Height Exceptions, shall not apply within the C5-31 zone
- 9) Privacy Yards
- Notwithstanding any provisions to the contrary, a privacy yard shall be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard shall be required. There shall be no required privacy yard where a loading area abuts the wall of a building.
- 10) Parking Space Dimensions (minimum):
- 2.6 metres wide by 5.2 metres long
- 11) Barrier-free Parking Space Vertical Clearance (minimum): 2.1 metres
- 12) Parking:
- (a) Parking is permitted in any yard.
 - (b) If parking is located within any yard adjacent to a street, a minimum 1.0 metre high berm shall be provided, which include a minimum 3.0 metres wide landscaping strip containing a mixture of coniferous and deciduous trees
- 13) Parking Aisle Lane Width (minimum): 6.1 metres
- 14) Landscaping Strip:
- A minimum 3.0 metre wide landscaping strip containing a mixture of coniferous and deciduous trees shall be provided adjacent to any lot line which abuts a Residential Zone”.
- 15) Pedestrian Clearway:
- A minimum 3 metre wide ‘pedestrian clearway’ is provided between the park or Parnell Avenue and Taylor-Kidd Boulevard to provide a north-south pedestrian connection between the commercial block and the residential neighbourhood. The ‘clearway’ shall include pedestrian access

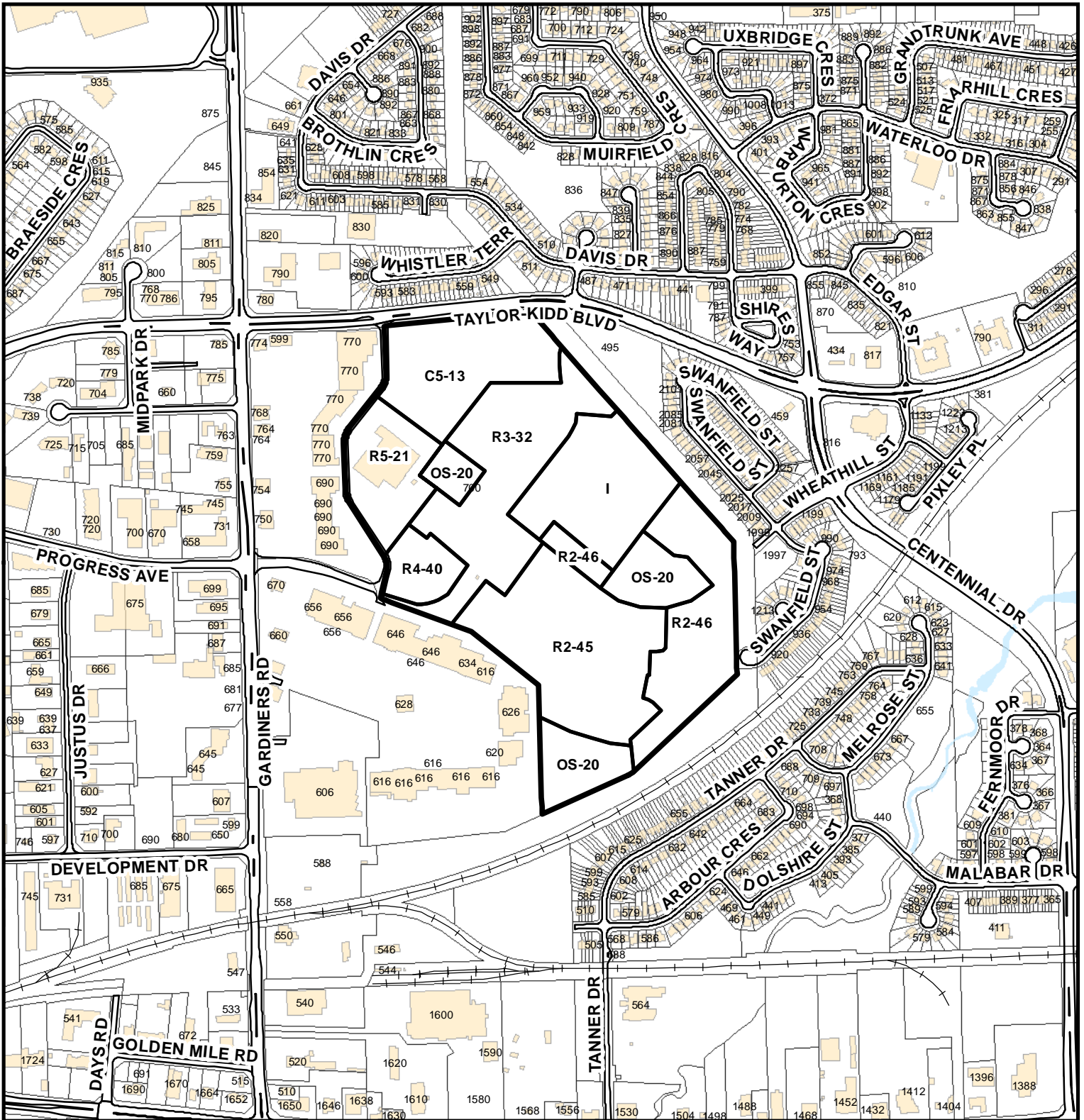
and landscaping. No buildings are permitted to be included in the 'clearway'.

2. In accordance with section 34.10.0.0.2 of the Planning Act, R.S.O. 1990, the two-year period for which no application for zoning by-law amendment is permitted shall not apply to this by-law.
3. In accordance with section 45.1.4 of the Planning Act, R.S.O. 1990, the two-year period for which no application for minor variance is permitted shall not apply to this by-law.
4. This by-law shall come into force and take effect on the day it is passed subject to and in accordance with the provisions of the Planning Act, R.S.O. 1990, c. P. 13 as amended from time to time.

Given all Three Readings and Passed: [Meeting Date]

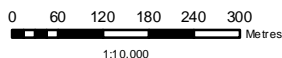
John Bolognone
City Clerk

Bryan Paterson
Mayor




SCHEDULE 'A' TO BY-LAW NUMBER

Applicant: FOTENN Consultants
 Owner: Taggart (Gardiners) Corporation
 File Number: D14-120-2015
 Address: 700 Gardiners Road



LEGEND

Reference By-Law 76-26, Map 5

 Rezoned from M2-31 to OS-20-H, R2-45-H, R2-46-H, R3-32-H, R4-40-H, R5-21-H, I-H and C5-13-H

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____,
 passed this _____ day of _____ 2017.



Planning, Building
 & Licensing Services
 a department of
 Community
 Services

Conditions of Draft Plan Approval

700 Gardiners Road

Taggart (Gardiners) Corporation (Owner)

City File Number: D12-022-2015

1. Approved Draft Plan:

That this approval applies to the Draft Plan of Subdivision (Plan), prepared by Leslie M. Higginson, dated December 1, 2016 which shows the following:

- 211 residential single detached lots (Lots 1-211);
- 230 residential (row house) blocks (Blocks 221-280);
- 3 residential (apartment) blocks (Blocks 281-283);
- 1 residential (retirement/med density) block (Block 284);
- 1 school block (Block 285);
- 2 blocks for parkland dedication (Blocks 286 and 287);
- 5 blocks for walkways (Blocks 288-292);
- 1 block for stormwater management (Block 293)
- 1 commercial block (Block 294)
- 1 block for road widening (Block 295)
- 10 new roadways (Block 296, 'Rockwell Drive' 'Wheathill Street', 'Newport Avenue', 'Swanfield Street', 'Barrow Avenue', 'Delancey Drive', 'Grayson Drive', 'Madison Drive' and 'Parnell Avenue'; and,
- 2 blocks for 0.3 m reserves (Blocks 297 and 298).

2. Streets and Civic Addressing:

- (a) That the road allowances included in this Plan shall be shown and dedicated as public highways.
- (b) That the road allowances within the Plan shall be designed in accordance with the City's engineering standards and shall be dedicated to the City free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
- (c) That Prior to Final Approval, the Owner shall confirm that the proposed street names within this Plan are named to the satisfaction of the City, in consultation with the Planning Division, in accordance with the City's Civic Addressing and Road Naming By-law.

- (d) That Prior to Final Plan Approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed lots and blocks by the City's Planning Division, in accordance with the City's Civic Addressing and Road Naming By-Law. The Owner shall be advised that the civic addresses are tentative until such time that the final plan is registered and the final lot layout has been confirmed.
- (e) For lots with more than one road frontage, the lots will be addressed on the road frontage on which primary vehicular access is situated. Prior to applying for a building permit the Owner shall confirm with the Planning Division the appropriate road frontage where primary vehicular access is to be provided and shall confirm the approved civic address in order to comply with the City's Civic Addressing and Road Naming By-Law and emergency response requirements.
- (f) That the Owner shall agree that the location and design of any construction access shall be approved by the City and/or the appropriate authority.

3. Reserves and Easements:

- (a) That any dead ends and open sides of the road allowances created by this Plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the City, free of all charges and encumbrances.
- (b) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority free of all charges and encumbrances.

4. Financial Requirements:

- (a) That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City concerning all provisions of municipal services including but not limited to fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.
- (b) That Prior to Final Plan Approval, the Owner shall submit for the City's approval a detailed breakdown of the construction costs for the works associated with the development of this Plan, including any cash surcharges or special levies. The construction costs shall be prepared and stamped by a professional engineer. The cost estimate shall be submitted

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in the City's standard format for incorporation into both the Pre-Servicing and Subdivision Agreements.

- (c) That the Owner shall bear the expense of all off site works resulting from the approved public works design where such works are not subsidized under the Policies and By-Laws of the City.
- (d) That the Owner agrees to reimburse the City for the cost of any Peer Reviews of the Studies / Reports submitted in support of the proposed Plan of Subdivision.

5. Subdivision Agreement:

- (a) That the Owner shall enter into the City's standard Subdivision Agreement which shall list all approved plans and municipal conditions as required by the City for the development of this Plan.
- (b) The Subdivision Agreement between the Owner and the City be registered against the title to lands to which it applies once the Plan of Subdivision has been registered.
- (c) That the Subdivision Agreement shall contain all necessary warning clauses and notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.

6. Holding Provisions:

That the City shall require the use of '-H' Holding Provisions in accordance with Section 36 of the Planning Act. The terms for the removal of the Holding '-H' Holding Symbol shall be in accordance with the applicable Zoning By-Law as amended, and shall require the following:

- (a) confirmation of sufficient servicing capacity for the development including the requirement for MISA manholes for non-residential uses;
- (b) that all necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner;
- (c) that acceptable vehicular access is available to the lands from a public street; and,

- (d) that the appropriate application for an amendment to the Zoning By-Law to remove the 'H' Symbol has been approved by the City.

7. Engineering Drawings:

- (a) That Prior to Final Plan Approval, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and services, prepared and certified by a Professional Engineer and designed pursuant to the City's Subdivision Design Guidelines and to the satisfaction of the City. Such plans are to form part of the Subdivision Agreement.
- (b) That Prior to Final Plan Approval, the Owner shall submit a digital listing of the approved subdivision design drawings in the City's standard format for incorporation into the Pre-Servicing and Subdivision Agreement.

8. Revisions to Draft Plan:

- (a) That any further subdivision of Blocks or additional road patterns on the Plan shall be completed to the satisfaction of the City.
- (b) That Prior to Final Plan Approval of any part of the Plan, the Owner shall submit a revised Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.
- (c) That where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of road allowances and lotting, number of lots, etc.), these may be reflected in the Final Plan to the satisfaction of the City.

9. Phasing:

- (a) That Final Plan Approval for registration may be issued in phases to the satisfaction of the City, subject to all applicable fees.
- (b) That the phasing of the development shall be reflected in the Subdivision Agreement and on the approved subdivision design drawings to the satisfaction of the City, taking into account the temporary termination of underground services, interim grading, interim stormwater management, operations and maintenance vehicle access and access for emergency vehicles.
- (c) That the phasing of the development shall be proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services.

- (d) That all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
- (e) That the parkland shown as Block 286 on the approved draft plan shall be provided as part of the first phase of the low density residential dwellings, or to the satisfaction of the City, and shall include road frontage to said Block.
- (f) That the parkland shown as Block 287 shall be provided as part of the first phase of development which has frontage on 'Madison Drive', and shall include road frontage to said Block.

10. Off-site roadway improvements and connections:

- (a) Taylor-Kidd Boulevard/Newport Avenue Access

The Owner agrees to construct the future public street access from Newport Avenue to Taylor-Kidd Boulevard, in line with Bexley Gate, as part of any phase of the development with frontage onto Newport Avenue if the land acquisition over 495 Taylor-Kidd Boulevard by the owner is completed prior to registration of the subdivision agreement. If the land at 495 Taylor-Kidd Boulevard is not acquired by the owner prior to the construction of any phase with frontage onto Newport Avenue, a temporary access over Block 294 will be permitted by the City provided a Traffic Impact Study is completed that supports the temporary access outlining the required configuration of the intersection and is to the satisfaction of the City. A legal survey of the part of Block 294 required for the temporary access must be prepared and a right of way in favour of the City registered on title. Commencement of any future phases may be limited by the City until the land acquisition over 495 Taylor Kidd Boulevard is secured by the owner and the intersection constructed to the approved design

- (b) Rockwell Drive
 - (i) The Owner agrees that no building construction will be permitted that derives access from this road until the road is constructed to the approved municipal design standards and ownership is transferred to the City.
 - (ii) That prior to Final Plan Approval, the existing 200mm diameter private watermain within Block 296 on the Draft Plan shall be relocated outside any future public lands.

- (iii) Should the above relocation not be attainable such that any portion of this watermain remain within Block 296 on the Draft Plan of Subdivision, the Owner shall produce a fully executed License Agreement between “Trinity Properties Kingston” (and subsequent owners etc...) and the City of Kingston for the purpose of allowing the existing 200mm diameter private watermain to encroach in the future public lands. The License Agreement will require a reference plan identifying the location of the watermain, all of which will be registered on title. Such agreement shall be reviewed and approved by the Director of Engineering and the City Solicitor.
- (iv) That prior to Final Plan Approval, the Owner shall submit for approval, a plan and profile drawing prepared and certified by a Professional Engineer showing the location of the 200mm private watermain proposed to encroach on the future public lands including all surrounding infrastructure for public record.
- (c) Entell Drive (road from Gardiners Road/Progress Avenue intersection)

The Owner agrees that no works requiring flow (sanitary or storm) onto or into neighbouring lands (existing private infrastructure) be constructed until all agreements with the neighbouring property owners have been reached and signed. In addition the final designs for all existing private infrastructure (including Entell, Service Road) that will become public infrastructure (roads and sewers) are approved.

Wording shall be included in the subdivision agreement stating that the City makes no commitment to the acceptance of a roundabout on Entell Drive as identified in Section 506 of the Traffic Impact Study. Prior to Final Plan of Subdivision approval and Entell Drive becoming a municipal road further details are required to determine the road allowance width and preferred intersection configuration to the satisfaction of the municipality.

11. Off-site improvements:

Prior to final approval of any phase, plans and detail shall be provided to the City’s satisfaction showing the required works on the adjacent commercial properties to the west and south. This will include but not be limited to sidewalk connections, noise attenuation, screening, stormwater management, utility upgrades and road upgrades.

12. Zoning By-Law Compliance:

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- (a) That the lands within this Draft Plan shall be appropriately zoned by a Zoning By-Law which has come into effect in accordance with the provisions of the Planning Act.
- (b) That Prior to Final Plan Approval, the Owner shall submit a Surveyor's Certificate which confirms that the lots and blocks within this Plan conform to the minimum lot frontage and lot area requirements of the applicable Zoning By-Law.

13. Geotechnical Study:

That prior to Final Plan Approval, the Owner shall submit a Geotechnical Study which evaluates the soils and subsurface conditions of the site, including fill previously placed on the site. The Geotechnical Study must be prepared by a qualified Professional Engineer, to the satisfaction of the City. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement.

14. Environmental Site Assessment:

- (a) That Prior to Final Plan Approval, the Owner shall demonstrate that the soil and groundwater quality of the property is compatible with a residential land use as listed within the Soil, Groundwater and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act. The acceptable method for this demonstration would be a Phase I Environmental Site Assessment (ESA) performed in accordance with CSA standard Z768-01 and any required follow up investigations (Phase II ESA) and/or remediation.
- (b) That the recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the City.
- (c) For all land containing lots intended for conversion from industrial to a more sensitive use as defined within O.Reg 153/04 as amended (i.e. residential, parkland, community, agricultural or institutional use), the Owner shall submit to the City prior to Final Plan Approval, a copy of the Record of Site Condition signed by the Qualified Person who prepared it along with proof of submission to the Ministry of the Environment and Climate Change.

- (d) The Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the City, meet the applicable soil and ground water criteria.

15. Noise Impact Study:

That Prior to Final Plan Approval, the Owner shall submit a detailed Noise Impact Study which demonstrates that the appropriate noise criteria can be achieved, in accordance with Ministry of the Environment guidelines and to the satisfaction of the City. The Noise Impact Study must be prepared by a qualified Professional Engineer. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the City.

16. Servicing Study:

That prior to Final Plan Approval, the Owner shall submit an updated Servicing Study, prepared by a qualified Professional Engineer, to the satisfaction of the City. The recommendations of the Servicing Study shall be incorporated into the Subdivision Agreement.

17. Stormwater Management:

- (a) The Owner agrees that no Final Plan Approval will be granted for any lands where stormwater is conveyed through the 'Riocan lands' to the south, until a solution is reached in regards to land ownership and/or right of way easements and is acceptable to the City.
- (b) That prior to Final Plan Approval, the Owner shall submit a revised Stormwater Management Report and implementing plans for the development. The report shall be prepared by a qualified Professional Engineer, to the satisfaction of the City and Cataraqui Region Conservation Authority (CRCA). Such plans and recommendations shall be included in the Subdivision Agreement. The Owner shall carry out the recommendations of the report, at their expense, to the satisfaction of the City and Cataraqui Region Conservation Authority (CRCA).
- (c) That Prior to Final Plan Approval, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the City and the Cataraqui Region Conservation Authority. The approved

plans shall be included in the Subdivision Agreement between the Owner and City.

- (d) That the Owner shall agree to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, until completion of the Plan.
- (e) That a landscape plan for the area around the stormwater management facility be completed and approved to the satisfaction of the City and the CRCA, and be included in the Subdivision Agreement between the Owner and the City.

18. Archaeological Assessment:

- (a) The City of Kingston is in receipt of a Stage 2 Archaeological Assessment for the subject lands prepared by Abacus Archaeological Services dated July 11, 2014. This report is on file with the Ministry of Tourism, Culture and Sport. The City has received and relies upon the report of the professional archaeologist as filed but reserves the right to require further reports should further evidence be uncovered.
- (b) That the Subdivision Agreement shall contain provisions that in the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism, Culture & Sport (416-314-7132) and the City of Kingston's Planning, Building and Licensing Services (613-546-4291 extension 3180) must be immediately contacted.
- (c) That the Subdivision Agreement shall contain provisions that in the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries and Crematoriums Regulation Unit of the Ontario Ministry of Government and Consumer Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism, Culture & Sport (416-314-7132), and the City of Kingston's Planning, Building and Licensing Services (613-546-4291 extension 3180) must be immediately contacted.

19. Parkland Conveyance:

- (a) That the Owner shall convey Blocks 286 and 287 as per the locations shown on the approved draft plan to the City for functional park or other public recreational purpose, to satisfy parkland dedication requirements

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under By-Law 2013-107. The parkland dedication requirement is 1.94 ha for the whole draft plan area and shall be confirmed prior to approval of the Final Plan of Subdivision.

- (b) That the Owner shall convey Block 286 with a minimum frontage of 214 metres along Wheathill Street unless there is a change in the density or land use which alters the required parkland dedication amount. It shall be ensured that any reconfiguration of the parkland is to the satisfaction of the City.
- (c) That the Owner shall convey Block 287 with a minimum frontage of 69 metres along Madison Drive unless there is a change in the density or land use which alters the required parkland dedication amount. It shall be ensured that any reconfiguration of the parkland is to the satisfaction of the City.
- (d) That lands to be conveyed to the City for park or other public recreational purposes shall be subject to the following conditions:
 - (i) “That all lands shall be graded to an approved grading plan to allow for drainage and the owner agrees to provide the City access to a stockpile of topsoil to allow for 15 cm of topsoil on the parklands. Alternately, at the City’s sole discretion, on a portion of, or all of, either of the park sites, existing topsoil may be left undisturbed in lieu of the provision of a topsoil stockpile. This consideration may be given if an approved grading plan and environmental clearance of the land is prepared to the City’s satisfaction.”
 - (ii) That Prior to Assumption of the park, the Manager, Parks Development shall be in receipt of a clearance memo from the Manager of Environment indicating that the park site is environmentally clean.
 - (iii) That the Owner shall enter into a Site Access Agreement with the City to permit City staff to access the park site to complete pre-engineering, survey and design works for the park. This Agreement shall terminate once the City is decided the land as part of Final Plan Approval.
 - (iv) That Prior to the Commencement of any Clearing, Grubbing or Construction Work within 10 metres of the park blocks defined on the Draft Plan, the Owner shall:

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1. Install snow fencing around the periphery of the park site to protect the site. The City will be responsible for the maintenance of the fence and its removal.
 2. Post signage to City specifications, on all accessible sides of each park block, which indicates:
 - (i) the future use of the block as a park;
 - (ii) that no construction storage shall occur on this parcel of land nor shall any construction debris be dumped on this site; and
 - (iii) that all trees and other vegetation must not be disturbed.
- (v) That Prior to the Transfer of Deeds for the parkland to the City, the Owner shall submit to the City Prior to Final Plan Approval, a copy of the Record of Site Condition signed by the Qualified Person who prepared it along with proof of submission to the Ministry of the Environment and Climate Change.
- (vi) That Prior to the Transfer of Deeds for the parkland to the City the Manager, Parks Development or designate shall inspect the park site to ensure that the park is in a clean/natural state and any grading, filling, or clearing has been completed. The conditions on the site must be satisfactory to the Manager, Parks Development prior to transfer of title and the removal of the snow fencing. Should the park blocks be in an unsatisfactory state, the Owner shall be responsible for restoring the site to the City's satisfaction, or the City may draw on the securities to complete the Works.
- (vii) That no above ground public utilities such as Bell pedestals or transformers shall be situated within the parkland to be conveyed to the City.
- (e) That if any portion of the school block (Block 285) is converted to residential use or any other use, parkland conveyance will be required at the rates outlined in By-Law Number 2013-107. Cash-in-lieu of parkland will not be permitted.

20. Walkways:

- (a) All walkways shall be provided in the location and widths as shown on the approved draft plan. It shall be ensured that any relocation of a walkway is to the satisfaction of the City, and shall be of a width not less than 3.0 metres.
- (b) Where a walkway leads from a public street to a privately owned property (Block 289), clauses shall be included in the Subdivision Agreement that the City's Public Works department will not be responsible for the winter clearing and maintenance.
- (c) A pedestrian connection shall be provided between the parkland (Block 287) and the main north-south road on the west of the property. This connection shall be provided as either a conveyed walkway (not less than 3.0 metres in width) or as an easement across Blocks 281, 283 and 294.
- (d) Sidewalks shall be provided on both sides of 'Wheathill Street' and 'Newport Avenue'
- (e) All walkways shall comply with accessibility requirement to the satisfaction of the City.

Temporary Walkways:

- (f) If the approved draft plan is developed in phases, temporary pedestrian walkways shall be provided to the satisfaction of the City. Important linkages include connections from phases to parkland, transit, school(s) and commercial uses. The length of temporary walkways shall as short as possible, whilst ensuring the safety of the pedestrian, but not restricting the ongoing development of the site.
- (g) Temporary walkways shall remain, until a permanent connection is provided.
- (h) All temporary walkways shall have a minimum width of 3.0 metres and be constructed of a stable material to the satisfaction of the City.
- (i) That all costs associated with the temporary walkway(s) will be the responsibility of the Owner.
- (j) That the removal of the walkway(s) and reinstatement of the lands upon which it was located shall be the responsibility of the Owner, to the satisfaction of the City

21. Tree Inventory / Street Trees:

- (a) That prior to any grubbing/clearing or construction on parcels of land not defined as roadways or servicing easements on the draft Plan, the Owner shall receive final approval from the City for a Tree Preservation plan prepared for the subject Plan lands. The final approved tree inventory plan shall be prepared by a certified arborist (ISA approved), and shall set out the surveyed locations of all trees on the site. The tree inventory shall list the species, caliper size, condition, crown radius and indicate whether the tree is to be retained or removed. If trees 150 mm or more in diameter are to be removed from the subject lands, the Owner will abide by the conditions of the tree removal permit under the Tree Conservation By-Law which may, at the Supervisor of Forestry's discretion, include a tree preservation plan, a tree replacement plan or cash compensation for the value of the trees to be removed. If the tree is to be removed a rationale for this action must be noted. If significant trees or groups of trees are identified to be retained in the tree inventory, a tree preservation plan will be required prior to final approval at the discretion of the City. This plan shall be reviewed and approved by the City and be included as a schedule to the Subdivision Agreement. Requirements for the tree preservation plan are noted in the subdivision design guidelines produced by the City.
- (b) That Prior to Final Plan Approval, the Owner shall submit a Street Tree Planting Plan and a planting plan for the stormwater management pond (Block293) prepared by a Landscape Architect to the satisfaction of the City.

22. Canada Post - Community Mail Boxes:

- (a) That prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of Canada Post, identify the location of community mail boxes within the Plan, and shall identify such locations on drawings for approval by the City.
- (b) That prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of the City, provide detailed design plans for the community mail boxes including a landscape plan showing street furniture and complimentary architectural features.
- (c) That the Owner shall provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).
- (d) That prior to Final Plan Approval, the Owner shall enter into a Community Mailbox Developer Agreement and pay the Address Activation Fee with

Canada Post Corporation for the installation of Community Mail Boxes as required by Canada Post.

- (e) That the Owner shall identify in all offers of purchase and sale, or lease for all lots and blocks within this Plan that mail delivery will be provided via a community mail box, provided that the Owner has paid for the activation and equipment installation of the community mail box, and the locations of all community mail boxes within this Plan. A Notice to Purchasers shall also be included in the Subdivision Agreement to this effect.

23. Bell Canada Requirements:

That the Owner shall meet the following conditions of Bell Canada:

- (a) that the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services; and,
- (b) that the Owner shall be requested to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the City, or if no such conditions are imposed, the Owner shall advise the City of the arrangements for servicing.
- (c) The Owner is hereby advised that prior to commencing any work within the Plan, the Owner must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Owner is hereby advised that the Owner may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Owner elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Owner shall be required to demonstrate to the City that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

24. Commercial Block (Block 294):

That a minimum 3 metre wide 'clearway' is provided between the park (Block 287) or Parnell Avenue and Taylor-Kidd Boulevard, and shall be shown on the Site Plan design of the commercial block. The intent of this 'clearway' is to provide a north-south pedestrian connection between the commercial block and the residential neighbourhood. The 'clearway' shall include both pedestrian access and landscaping. No buildings shall be included within the 'clearway'.

25. Hydro One Requirements:

- (a) Prior to final approval, a copy of the lot grading and drainage plan, showing existing and final grades, must be submitted in triplicate to HONI for review and approval.
- (b) Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the right of way. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the right-of-way.
- (c) Temporary fencing must be placed along the easement corridor during construction. Permanent fencing must be erected where subdivision lots directly abut the HONI easement at the developer's expense.
- (d) The developer shall make arrangements satisfactory to HONI for any encroachments and/or any uses of the hydro right-of-way. Separate proposals including detailed lighting and site servicing plans shall be submitted in triplicate to HONI for future road crossings. The developer must contact Roman Dorfman, HONI Senior Real Estate Coordinator at (905) 946-6243 to begin the process of acquiring a Construction and Encroachment Agreement.
- (e) The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer.
- (f) The easement rights of HONI and its legal predecessors are to be protected and maintained.
- (g) As the proposed development is within close proximity to a Transmission or Distribution station the following applies:
 - 1. The Developer hereby confirms and agrees that every agreement of purchase and sale heretofore and hereafter entered into by the Developer with any purchaser(s) of any unit or proposed unit in the Development contains the following notice/warning provisions (or

clauses substantially similar thereto in all respects), namely: “Each unit purchaser and/or lessee specifically acknowledges and agrees that the development of the Lands upon which this Development is being (or has been) constructed, will be (or has been) undertaken and completed in accordance with any requirements that may be imposed from time to time by any Governmental Authorities, and that the proximity of this Development to facilities, installations and/or equipment owned and/or operated by HONI may result in noise, vibration, electro-magnetic interference and stray current transmissions (hereinafter collectively referred to as the “Interferences”) to this Development, and despite the inclusion of control features within this Development, Interferences from the aforementioned sources may, occasionally interfere with some activities of the occupants in this Development Notwithstanding the above, each unit purchaser and/or lessee agrees to indemnify and save HONI and harmless, from and against all claims, losses, judgments or actions arising or resulting from any and all of the Interferences. In addition, it is expressly acknowledged and agreed that HONI does not, and will not, accept any responsibility or liability for any of the Interferences in respect of this Development and/or its occupants. Furthermore, there may be alterations and/or expansions by HONI to its facilities and/or transformer station which may temporarily affect the living environment of the residents notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the Development. HONI will not be responsible for any complaints or claims or any kind howsoever arising from use, expansion and/or alterations of such facilities and/or operations on, over or under its transformer station. Furthermore, each unit purchaser and/or lessee acknowledges and agrees that an electro-magnetic, stray current and noise-warning/vibration clause similar to the foregoing shall be inserted into any succeeding or subsequent sales agreement, lease or sublease, and that this requirement shall be binding not only on the Purchaser hereunder but also upon the Purchaser’s respective heirs, estate trustees, successors and permitted assigns, and shall not cease or terminate on the closing of this purchase and sale transaction with the Vendor/Declarant.”

2. The Developer covenants and agrees that the language set out in Clause 27(g)(1) above (or language substantially similar thereto) shall also be included in any Site Plan Agreement entered into by

the Developer with the City of Kingston to be registered on title to lands within the Draft Plan.

26. Utilities Kingston:

- (a) That prior to Final Plan Approval, the Owner shall satisfy all technical, financial and other requirements of Utilities Kingston regarding the design, installation, connection and/or expansion of water distribution services and sanitary sewer distribution services, or any other related matters.
- (b) The Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with Municipal standards and specifications.
- (c) That prior to Final Plan Approval, it shall be ensured that all infrastructure meets the current City of Kingston and MOECC requirements, or will be upgraded in order to meet these requirement.
- (d) That prior to Final Plan Approval, Utilities Kingston will require the design and as-built information for the infrastructure, including location, diameter, material, depth, inverts, lengths, slope, environmental compliance approval etc. It shall also be confirmed that all infrastructure is contained within a municipal right of way.
- (e) That prior to Final Plan Approval, all private connections to the infrastructure from the adjacent commercial developments (Riocan centres) will need to be confirmed. All existing private service connections located within the private roadways to become public roads through the plan of subdivision shall comply with the water and sewer By-Laws.

27. School Block

Block 285 on the Draft Plan is reserved for a potential school site for a period of 3 years in accordance with the lapsing conditions of this draft plan approval. If the interested school boards determine that they have no further interest in the site prior to the 3 year expiry period written confirmation shall be provided to the municipality and the site may be repurposed by the owner.

28. Warning Clauses:

That the Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots / blocks within this Plan

- (a) within the entire subdivision plan:
- (i) “Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants.”
 - (ii) “Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet City of Kingston lot grading criteria in certain areas to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions”.
 - (iii) “Purchasers and/or tenants are advised that traffic calming measures may have been incorporated into the road allowances.”
 - (iv) “Purchasers and/or tenants are advised that the planting of trees on City boulevards in front of residential units is a requirement of the City and a conceptual location Plan is included in the Subdivision Agreement. While every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete any boulevard tree without further notice.”
 - (v) “Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings.”
 - (vi) “Purchasers and/or tenants are advised that any roads ending in a dead end or temporary turning circle may be extended in the future to facilitate development of adjacent lands, without further notice.”
 - (vii) “Purchasers and/or tenants are advised that driveways should not be widened beyond that provided by the home builder without the approval of the City of Kingston. Maximum driveway widths are controlled through the Zoning By-Law.”
 - (viii) “Purchasers and/or tenants are advised that the development of the Lands upon which this Development is being (or has been) constructed, will be (or has been) undertaken and completed in accordance with any requirements that may be imposed from time to time by any Governmental Authorities, and that the proximity of this Development to facilities, installations and/or equipment owned

and/or operated by HONI may result in noise, vibration, electro-magnetic interference and stray current transmissions (hereinafter collectively referred to as the “Interferences”) to this Development, and despite the inclusion of control features within this Development, Interferences from the aforementioned sources may, occasionally interfere with some activities of the occupants in this Development. Notwithstanding the above, each unit purchaser and/or lessee agrees to indemnify and save HONI and harmless, from and against all claims, losses, judgments or actions arising or resulting from any and all of the Interferences. In addition, it is expressly acknowledged and agreed that HONI does not, and will not, accept any responsibility or liability for any of the Interferences in respect of this Development and/or its occupants. Furthermore, there may be alterations and/or expansions by HONI to its facilities and/or transformer station which may temporarily affect the living environment of the residents notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the Development. HONI will not be responsible for any complaints or claims or any kind howsoever arising from use, expansion and/or alterations of such facilities and/or operations on, over or under its transformer station.

Furthermore, each unit purchaser and/or lessee acknowledges and agrees that an electro-magnetic, stray current and noise-warning/vibration clause similar to the foregoing shall be inserted into any succeeding or subsequent sales agreement, lease or sublease, and that this requirement shall be binding not only on the Purchaser hereunder but also upon the Purchaser’s respective heirs, estate trustees, successors and permitted assigns, and shall not cease or terminate on the closing of this purchase and sale transaction with the Vendor/Declarant.”

- (b) abutting a park block:

“Purchasers and/or tenants are advised that their lot abuts a Park, and periodically active and passive use of the park may interfere with the quiet enjoyment of their home and yard, and that noise and lighting should be expected from the park. Changes to the park may occur over time based on neighbourhood needs or operational requirements of the City.”

- (c) abutting a potential transit route:

**Conditions Of Draft Plan Approval
700 Gardiners Road – D12-022-2015**

Page Number 20 of 23

“Purchasers and/or tenants are advised that the following streets may be used as transit routes in the future: ‘Newport Drive’ and ‘Wheathill Street’.

29. Model Homes:

That where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an Agreement with the City, setting out the conditions, and shall fulfill all relevant conditions of that Agreement prior to issuance of a building permit.

30. Traffic Impact Study:

That prior to Final Approval a Traffic Impact Study shall be prepared by a qualified Professional Engineer to the satisfaction of the City.

31. CN Rail:

That prior to Final Approval the Owner shall confirm that CN Rails Principal Main Line Requirements be respected.

32. Union Gas:

That prior to Final Approval the Owner shall provide to Union Gas the necessary easement and/or agreements required by Union Gas for the provision of gas services for this project in a form satisfactory to Union Gas

33. General Conditions:

- (a) That prior to Final Plan Approval, the Applicant will submit a detailed account of how each Condition of Draft Plan Approval has been satisfied.
- (b) That prior to Final Plan Approval, lands known as ‘Entell Drive’ and the main north-south road on the west of the Draft Plan as described on Reference Plan 13R-____, shall be in the ownership of Taggart (Gardiners) Corporation.
- (c) That prior to Final Plan Approval, lands known as ‘Rockwell Drive connection’ as described on Reference Plan 13R-____, shall be in the ownership of Taggart (Gardiners) Corporation.
- (d) That prior to Final Plan Approval, all existing service mains are to be reviewed and repaired as required. The Owner is to obtain the ECA as required.

**Conditions Of Draft Plan Approval
700 Gardiners Road – D12-022-2015**

Page Number 21 of 23

- (e) That the Owner shall pay any and all outstanding application fees to the Planning, Building & Licensing Department, in accordance with the City's Tariff of Fees By-Law.
- (f) That when requesting Final Approval from the City, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor's certificate stating that the lots/blocks thereon conform to the frontage and area requirements of the Zoning By-Law.
- (g) That the Owner agrees to remove any driveways and buildings on site, which are not approved to be maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.
- (h) That the Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing prior to assumption of the works by the City.
- (i) That Prior to Final Plan Approval, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by others to accommodate the subject plan.
- (j) That the Owner shall agree to erect fencing in the locations and of the types as shown on the approved subdivision works drawings and as required by the City.
- (k) The Owner shall agree that no building permits, with the exception of model homes, will be applied for until the City is satisfied that adequate access, municipal water, sanitary and storm services are available.

34. Clearance Letters:

- (a) That prior to Final Plan Approval, the Applicant will submit a detailed written account of how each Condition of Draft Plan Approval has been satisfied, including copies of all required clearance letters and all final reports. The Owner shall also provide copies of the final reference plans and M-plan.
- (b) That prior to Final Plan Approval, the City is to be advised in writing by the Cataraqui Region Conservation Authority the method by which Conditions 17(a), 17(b) and 17(d) have been satisfied.

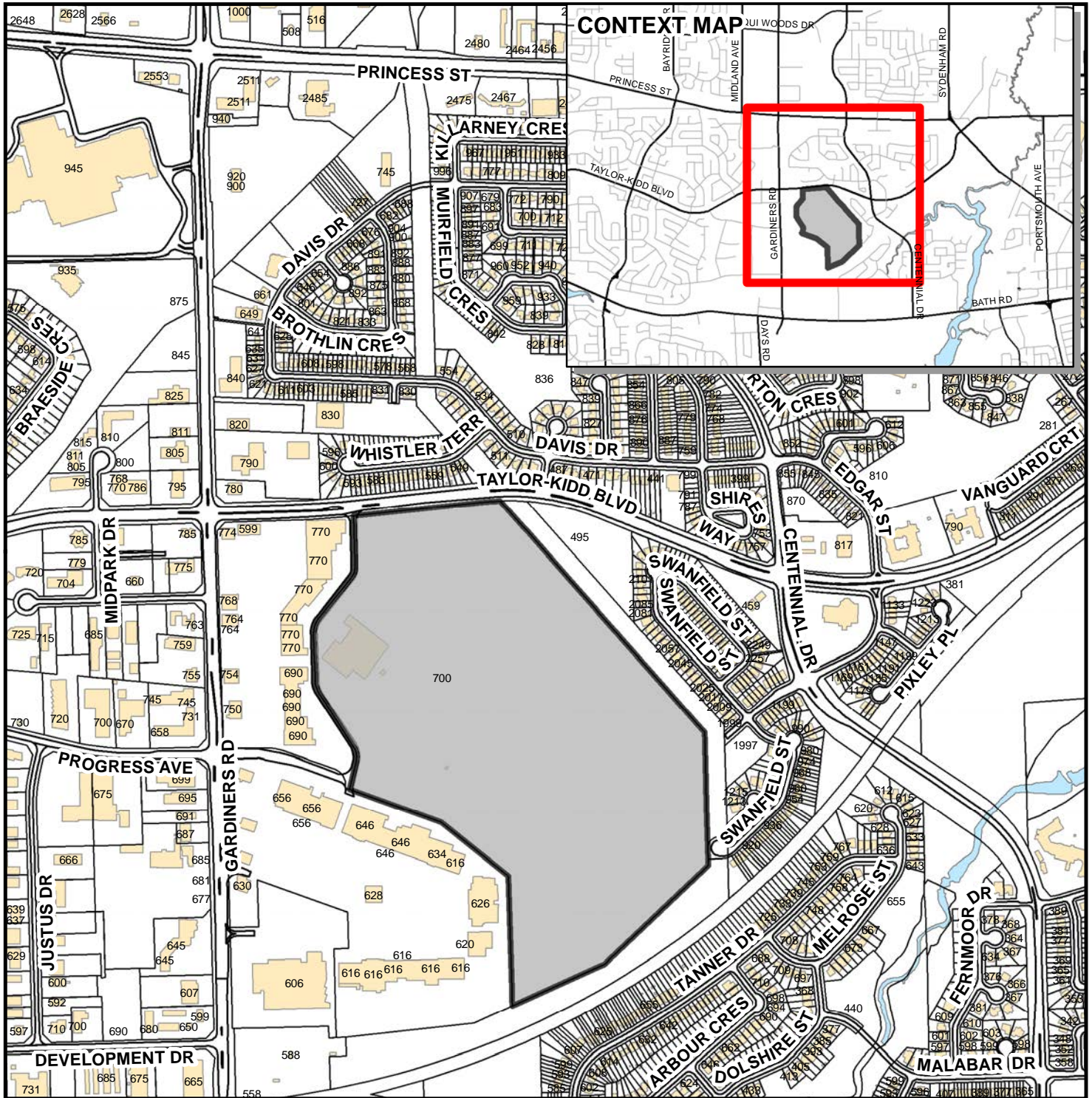
- (c) That prior to Final Plan Approval, the City is to be advised in writing by Canada Post the method by which Condition 22 has been satisfied.
- (d) That prior to Final Plan Approval, the City is to be advised in writing by Bell Canada the method by which Condition 23 has been satisfied.
- (e) That prior to Final Plan Approval, the City is to be advised in writing by HydroOne the method by which Condition 25 has been satisfied.
- (f) That prior to Final Plan Approval, the City is to be advised in writing by CN Rail the method by which Condition 31 has been satisfied.
- (g) That prior to Final Plan Approval, the City is to be advised in writing by Union Gas the method by which Condition 32 has been satisfied.

35. Lapsing Provisions:

- (a) That pursuant to Section 51(32) of the Planning Act, this Draft Plan Approval shall lapse at the expiration of three (3) years from the date of issuance of Draft Plan Approval if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.
- (b) That pursuant to Section 51(33) of the Planning Act, the Owner may submit a request to the approval authority for an extension to this Draft Plan Approval. The extension period shall be for a maximum of two (2) years and must be submitted prior to the lapsing of Draft Plan Approval. Further extensions may be considered at the discretion of the approval authority where there are extenuating circumstances.

NOTES TO DRAFT PLAN APPROVAL:

1. It is the Owner's responsibility to fulfill the foregoing Conditions of Draft Plan Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Department of Planning, Building and Licensing Services of the City of Kingston.
2. Prior to Final Plan Approval, the Owner shall submit to the City of Kingston for review four (4) draft copies of all Reference Plans and Surveys and three (3) draft copies of the Final M- Plan.
3. When requesting final approval, such a request must be directed to the Department of Planning, Building and Licensing Services and be accompanied with:
 - four (4) mylars and four (4) paper prints of the completed Final M-Plan,
 - four (4) copies of all Reference Plans and (4) copies of all Conveyance Documents for all easements and lands being conveyed to the City; and
 - a Surveyor's Certificate to the effect that the lots and blocks on the Plan conform to the Zoning By-Law.
4. All measurements in subdivision final plans must be presented in metric units.
5. Hydro One advises that transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet). It is the developer's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line.
6. The Final Plan approved by the City must be registered within thirty (30) days or the City may, under Subsection 51(59) of the Planning Act, withdraw its approval.

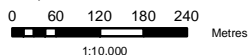


CONTEXT MAP



PLANNING COMMITTEE

KEY MAP

Applicant: FOTENN Consultants
 Owner: Taggart (Gardiners) Corporation
 File Number: D09-030-2015, D12-022-2015, D14-120-2015
 Address: 700 Gardnerers Road
 Legal Description: CON 2 PT LOTS 10 11 AND
 12;RP 13R13052 PART 1 RP;13R14926 PART 5



LEGEND

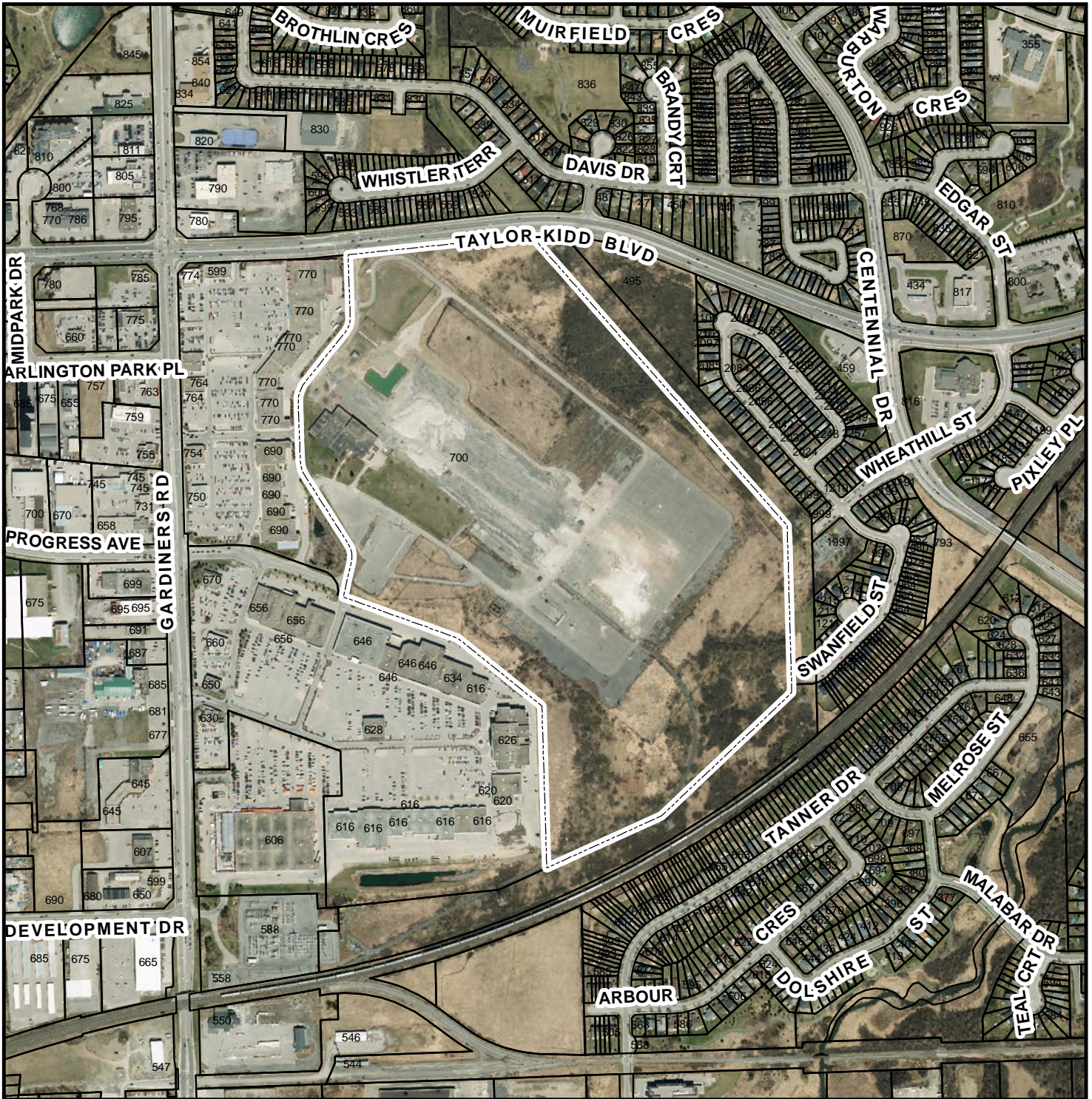
-  Subject Property
-  Property Boundaries



Planning, Building
 & Licensing Services
 a department of
 Community
 Services

PREPARED BY: J.Partridge
 DATE: 2/25/2016

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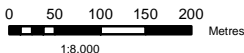


Planning, Building & Licensing Services



a department of Community Services

PLANNING COMMITTEE
NEIGHBOURHOOD CONTEXT (2015)

Applicant: FOTENN Consultants
 Owner: Taggart (Gardiners) Corporation
 File Number: D09-030-2015, D12-022-2015, D14-120-2015
 Address: 700 Gardiners Road
 Legal Description: CON 2 PT LOTS 10 11 AND 12; RP 13R13052 PART 1 RP; 13R14926 PART 5



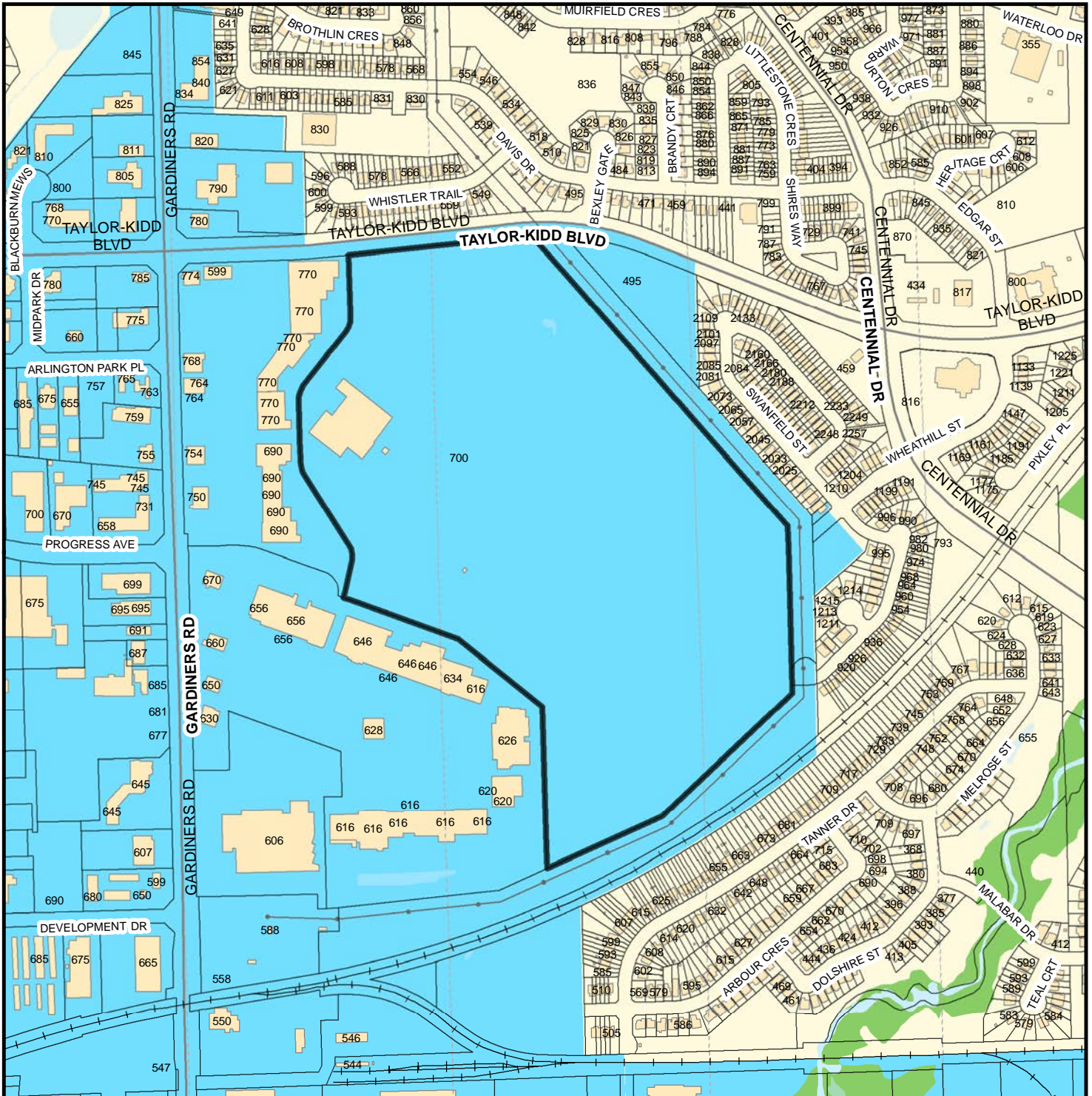
LEGEND

-  Subject Property
-  Property Boundaries



PREPARED BY: J. Partridge
 DATE: 2/29/2016

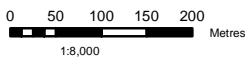
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Planning, Building & Licensing Services
a department of
Community Services

PLANNING COMMITTEE
OFFICIAL PLAN, Schedule 2

Applicant: FOTENN Consultants
Owner: Taggart (Gardiners) Corporation
File Number: D09-030-2015, D12-022-2015, D14-120-2015
Address: 700 Gardiners Road
Legal Description: CON 2 PT LOTS 10 11 AND 12; RP 13R13052 PART 1 RP; 13R14926 PART 5



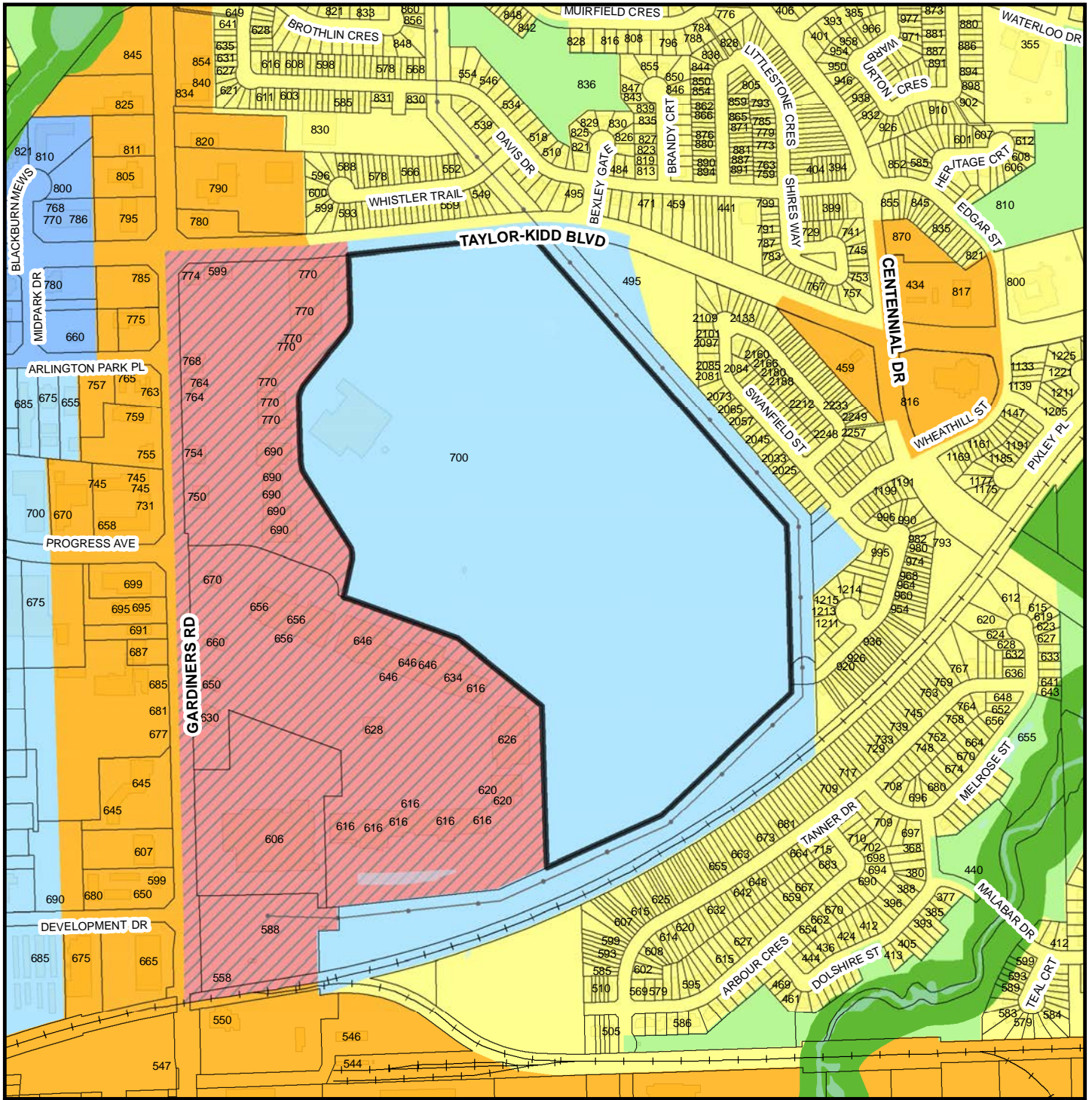
LEGEND

- Subject Property
- MAJOR ROAD
- RAILWAY
- CKN_Lots
- WATERBODY
- BUSINESS DISTRICT
- HOUSING DISTRICT
- MAJOR OPEN SPACE



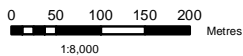
PREPARED BY: J.Partridge
DATE: 2/29/2016

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PLANNING COMMITTEE
OFFICIAL PLAN, Existing Land Use

Applicant: FOTENN Consultants
 Owner: Taggart (Gardiners) Corporation
 File Number: D09-030-2015, D12-022-2015, D14-120-2015
 Address: 700 Gardiners Road
 Legal Description: CON 2 PT LOTS 10 11 AND 12; RP 13R13052 PART 1 RP; 13R14926 PART 5



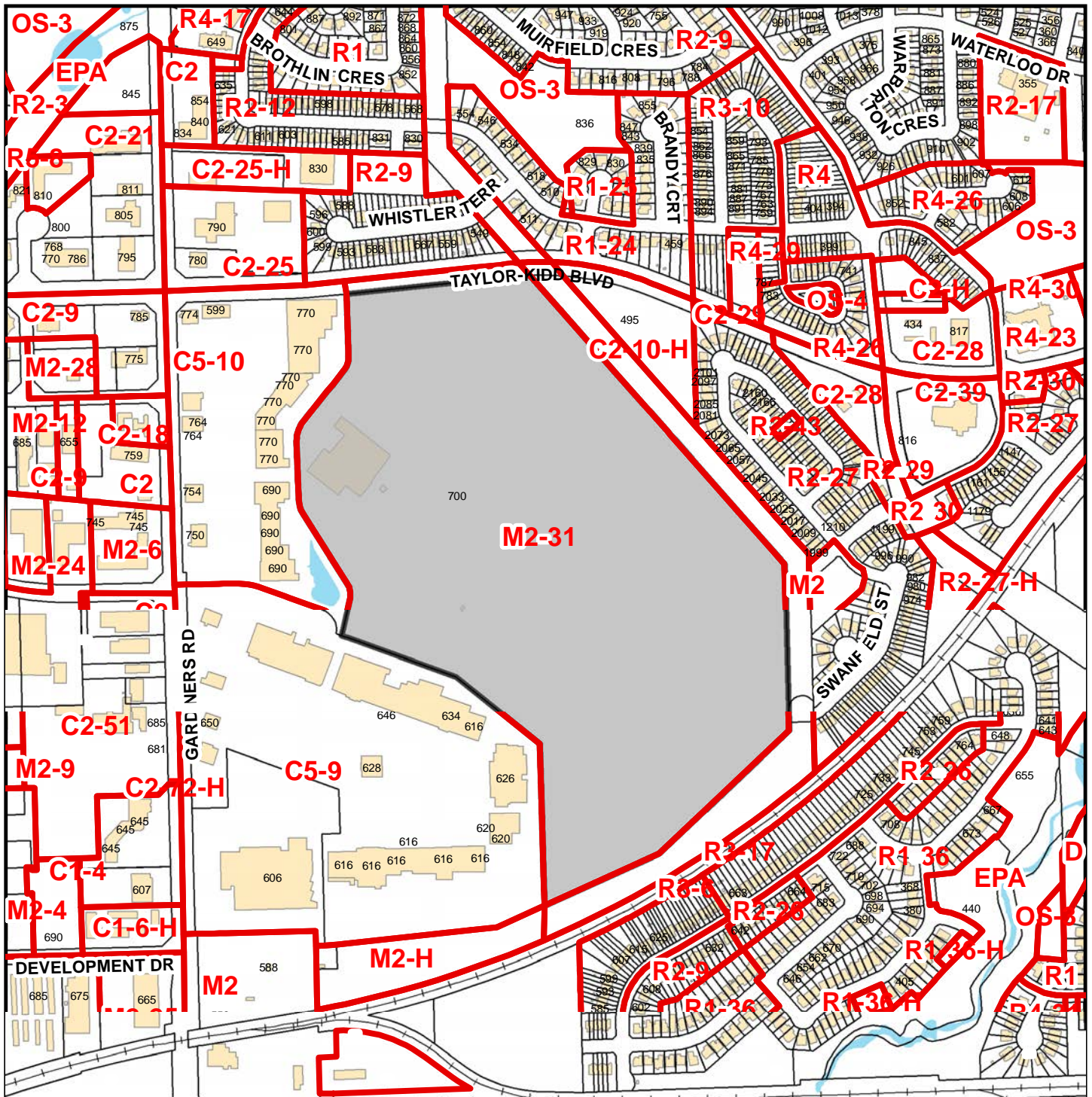
LEGEND

- Subject Property
- Residential
- Business Park Industrial
- General Industrial
- Regional Commercial
- Arterial Commercial
- Open Space
- Environmental Protection Area



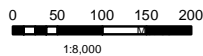
PREPARED BY: J. Partridge
 DATE: 2/25/2016

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PLANNING COMMITTEE
ZONING BY-LAW 76-26, Map 5

Applicant: FOTENN Consultants
 Owner: Taggart (Gardiners) Corporation
 File Number: D09-030-2015, D12-022-2015, D14-120-2015
 Address: 700 Gardiners Road
 Legal Description: CON 2 PT LOTS 10 11 AND
 12; RP 13R13052 PART 1 RP; 13R14926 PART 5



LEGEND

- Subject Property
- Consolidated Zoning
- Property Boundaries

PREPARED BY: J. Partridge
 DATE: 2/29/2016

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September 14, 2015

Alex Adams
Senior Planner
Planning Division
City of Kingston

Re: Application – 700 Gardiners Road
Planning Report Number PC-15-084
Public meeting: July 2, 2015

Dear Mr. Adams:

I spoke at the Planning Committee meeting on July 2, 2015 about the above-referenced application and would like to follow up with these questions and comments. I hope that they can be addressed as the application makes its way through the planning process. The questions are numbered for ease of reference, not to indicate an order of priority. They are all important.

1. Is there sufficient justification to change the designation of this property from “Business District” to permit over 1000 residential units?

This 40 hectare (100 acre) property is located at the junction of two main thoroughfares (Gardiners Road and Taylor-Kidd Boulevard) and has historically been used by light industry. It was not intended to be a residential area. If the change to the Official Plan is allowed, extra care will need to be taken to ensure that a successful residential community is developed in this geographically isolated space.

2. Is there a need for more residential units in Kingston at this location at this time?

The urban growth numbers suggest that the city’s population is going to peak in the 2030s and that the actual increase in population per year until then is estimated at less than 1000. Looking at the applications in the planning process at this time, it may be that the city is heading for an oversupply of housing. Possibly, new houses will sell. However, that could decrease interest in older housing stock (Calvin Park, Polson Park, Strathcona Park, Bayridge, Reddendale, etc.), emptying those neighbourhoods and decreasing property tax revenues from those areas as sale prices decline. It is in the city’s interest to manage the housing situation with care. It may be advisable not to convert a business district to a residential area at this time.

Assuming that a change in the Official Plan is permitted to allow for residential development:

3. What will be done to create a positive community space here?

The applicant's presentation at Planning Committee showed as many houses as possible crammed into the available space with possibilities for a home for seniors and some small business and commercial space at the periphery. There was no focal point or planned indoor place for a community that could reach 4000 or 5000 residents to share or use for community events, etc.

Poor urban design leads to predictable problems. Eighteen meter wide streets with insufficient parking for each residential unit results in people parking on the streets or turning their lawns into parking spaces giving rise to an increase in calls to bylaw enforcement and the police, as compared to better-planned neighbourhoods. (Please consult City of Kingston bylaw and police personnel with respect to frequency of calls and compare to street layout and housing design).

Insufficient space in small garages for green bins, blue boxes, and garbage cans leads to people either not bothering to recycle (at a cost to the city and its sustainability goals) or to keeping these receptacles outside (which can result in mess and increased bugs and rodents, with an increase in calls to bylaw enforcement).

Sidewalks on only one side of the street means that people are more likely to walk on the street or not to walk at all. Cycling paths can promote cycling.

Dog parks give people with dogs a place to meet and dogs a place to release energy, play, and do their business. Otherwise, dogs go on other people's lawns, and are restless and bored, etc. increasing friction between neighbours.

Community gardens also contribute to positive community relationships and provide spaces for people, particularly those who live in apartments and row houses with no land to grow food.

There is also increasing evidence that people who live in areas with lots of trees enjoy significant mental and physical health benefits.

It is my view that when a developer wants to build in an area that was not planned for residential development, it is incumbent on that developer to propose a development that thoughtfully incorporates the best urban design principles to create a great place to live.

4. How will this development mesh with the city's goals of sustainability?

A new residential development on this site could be required to meet LEED standards and comply with existing Official Plan policies on energy efficiency. Official Plan Section 6, Energy and the Environment, has a number of applicable provisions. For example:

Section 6.2.6 – "The City may give priority to *development* applications that incorporate *renewable energy infrastructure*."

Section 6.2.A.2 – "The City requires the design and orientation of new buildings and subdivisions in a way that maximizes passive *solar energy* gain and day-lighting."

Section 6.2.A.3 – “The City promotes the inclusion of solar-ready infrastructure in the construction of new homes and other buildings.”

Street layout to ensure maximum solar energy gain needs to be considered at the earliest stage of development planning.

5. What will be done to minimize traffic and parking issues?

In the applicant’s presentation at Planning Committee and in the submitted traffic study, I did not find any reference to the Gardiners Road / Taylor-Kidd Boulevard accident record. This intersection is consistently in the top five accident areas in Kingston. How will the traffic flowing from this development be managed so that the accident rate does not increase? What will be done to increase safety for pedestrians?

The connector streets to Wheathill /Swanfield must be carefully planned. This established neighbourhood is not well-sited for cars travelling through their streets to get to or from a new development to the west.

The connections between the RioCan Centre and the development also need attention. The layout for these roads may have to be changed to handle increased traffic, and to minimize conflicts between through traffic and trucks servicing the established commercial enterprises.

The city is committed to increasing transit ridership. All residents in this development should be able to access a bus stop within 300 m by taking a direct route. In the street layout presented at the Planning meeting, there were not enough pathways to allow this access.

As noted above, 18 m streets and insufficient parking for each residential unit lead to parking conflicts and community tensions, and increase calls to bylaw enforcement and police. This development is not within comfortable walking distance to food stores or a pharmacy, and it can be expected that residents will have cars. To encourage transit use, cycling, and walking, everything must be done to make these options as easy and carefree as possible for residents in the community. And, if there is a relaxation of the requirements for parking spaces on the assumption that not all residents will have cars, then there has to be extra attention to every detail of the active transportation alternative (lighting, walkways, sidewalks, bus stop locations, crosswalks, traffic calming, etc).

6. What is the right amount of space to set aside for parkland?

The applicant’s Demonstration Report includes some uncertainty about the plans for developing the whole site, aside from the proposed 1000+ residential units. Will there be a seniors’ residence? A high school? A high-rise apartment? Additional intensity would have an impact on parkland requirements. Once the development proposal is approved it may be difficult to find appropriate park space. Wouldn’t it be better to set aside sufficient parkland for these possibilities from the beginning?

The community to the east – Wheathill, Swanfield, Doris Court, and Pixley Place – has no park. Unfortunately, children have to cross Taylor-Kidd Boulevard to get to a play area. It can be expected that a park at the 700 Gardiners Road site will attract neighbourhoods from this park-deprived area to the east.

Given that this new community would be in an area that is isolated from other neighbourhoods and their parks, maybe the parkland dedication needs to exceed the usual calculations here.

Again, I believe a community of this size requires a dog park. It could be provided here along the Hyrdo Corridor and stormwater management system as part of the development plan and should not come out of the parkland dedication.

7. What will be done to increase the tree canopy in this area?

Trees benefit the community in many ways. See, for example, pages 4 to 6 of the City of London Urban Forest Strategy Report http://www.london.ca/residents/Environment/Trees-Forests/Documents/London_Draft_Strategy_Report_FinalDraft_Nov2.pdf

A development plan for this site needs to identify which trees will be preserved and where trees will be added. The city should not allow this development to proceed if a cramped building approach leaves little room for healthy trees along the streets and in backyards, relegating trees only to the parks.

8. What will be done to ensure that stormwater management is sufficient to control sediments (oil, sand, salt, etc.) from entering water systems?

The possibility of having office and commercial enterprises and a seniors' residence will increase the amount of stormwater runoff from parking lots. This needs to be managed so that water quality is not affected.

9. What will the houses and streetscape look like?

The applicant's Demonstration Report, Appendix B, pages 84 to 86, does not provide specifics for the planned low and medium-density housing, and indicates that changes from the usual zoning will be "revised to meet standards of the builder".

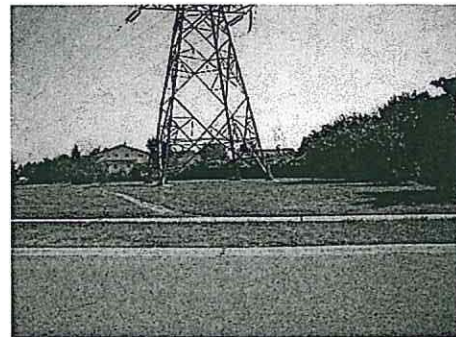
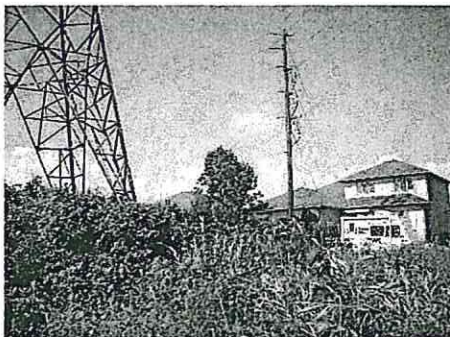
I have these concerns:

- The distance between detached homes. People should be able to get a lawnmower, for example, from their front yard to their backyard without stepping onto their neighbour's property or having to take equipment through their home.
- The site lines between detached homes or end of row homes. Windows should not look directly into a neighbour's windows.
- The location of garages. Garages should not extend beyond the front of the house.

- The size of garages. Garages should be sufficient to accommodate a reasonably-sized family vehicle (e.g. a Caravan, Odyssey) and to store a garbage can, green bin, blue box, and grey box. They should also provide space for bicycles. Without this length or width, people will not use their garages for their cars as they will need them for storage, contributing to parking problems between December and April and to on-street parking during the rest of year.
- Front and rear lot size. Lots should be sufficient for tree planting and a modest vegetable garden.
- Building materials. Stone and brick exterior walls contribute to the streetscape and give a small-town feel, helping to build a sense of community.

10. How close will houses be to the Hydro Corridor?

At the public meeting, a resident of the Swanfield/Wheathill area reported that owners of the houses built almost under the Hydro Corridor in his neighbourhood (left-hand photograph) were having trouble selling them.



The Hydro Corridor north of Taylor-Kidd (right-hand photo) is much wider than the applicant has proposed in the Demonstration Report, and provides a walkable corridor and green space that is more compatible with housing. The north of Taylor-Kidd approach should be continued to the south.

Proximity to the Hydro Corridor is a concern that requires investigation and further consideration. What is a suitable distance for housing from this level power line?

Thank you for your attention to my questions and comments.

Sincerely,

Vicki Schmolka

[REDACTED]
Kingston, ON [REDACTED]
[REDACTED]

From: [REDACTED]
To: [Adams,Alex](#)
Subject: 700 Gardiners Road
Date: Tuesday, 21 June, 2016 9:26:27 AM

Hello Alex:

Three questions I did not ask at the Planning Committee meeting last week about the 700 Gardiners Road project.

1. Does the parkland as shown on the new layout represent the full 5% parkland dedication?
2. If the school does not relocate to the area, what guarantee will the city have that the area will not be turned into more housing, creating a neighbourhood without a meeting place or focal point?
3. The layout of the roads does not appear to be easy for buses and emergency equipment to navigate with all the rounded corners. Is this an efficient street plan?

Ms. Watson's answers to my question about solar orientation of the roadways does not, I believe, respect the intent of the Official Plan. It requires subdivision to be laid out to maximize solar generation potential. Saying that this will be up to the individual builders suggests that a street could have houses facing every which way, which is not sensible or good planning.

Finally, I remain concerned that converting this area from employment lands to residential at this time is a mistake given the city's projected population decline in 2030 and the number of housing units already in development according to staff's April 2016 report.

Thank you for any answers that you can provide and for including this email in public correspondence with respect to this planning application.

Vicki

Vicki Schmolka
[REDACTED]

RESPONSE LETTER

The Woolen Mill
6 Cataraqui Street
Suite 108
Kingston, ON K7K 1Z7
613.542.5454
fotenn.com

The logo for FOTENN, consisting of the word "FOTENN" in a bold, blue, sans-serif font.

18 October 2016

ALEX ADAMS

Senior Planner
Community Services, Planning, Building & Licensing
1211 John Counter Blvd.
Kingston, ON

Dear Mr. Adams,

Re: Response to Public Comments
Taggart (Gardiners) Corporation - 700 Gardiners Road
File Numbers: D12-022-2015, D09-030-2015 & D14-120-2015

We have reviewed the correspondence provided by Ms. Vicki Schmolka, dated 21 June 2016, in response to the applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision for 700 Gardiners Road. Ms. Schmolka singled out the following questions/comment:

- / Does the parkland as shown on the new layout represent the full 5% parkland dedication?
- / If the school does not relocate to the area, what guarantee will the city have that the area will not be turned into more housing, creating a neighbourhood without a meeting place or focal point?
- / The layout of the roads does not appear to be easy for buses and emergency equipment to navigate with all the rounded corners. Is this an efficient street plan?
- / Ms. Watson's answers to my question about solar orientation of the roadways does not, I believe, respect the intent of the Official Plan. It requires subdivision [*sic*] to be laid out to maximize solar generation potential. Saying that this will be up to the individual builders suggest that a street could have houses facing every which way, which is not sensible or good planning.
- / Finally, I remain concerned that converting this area from employment lands to residential at this time is a mistake given the city's projected population decline in 2030 and the number of housing units already in development according to staff's April 2016 report.

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Our responses to the above questions are as follows:

Does the parkland as shown on the new layout represent the full 5% parkland dedication?

The final parkland dedication will reflect the City of Kingston parkland dedication by-law. The City has indicated that it will require the dedication of land, rather than cash-in-lieu. The parkland by-law as it applies to the subject property will, in general terms, require 10 percent of high and medium density areas, 5 percent of low density areas and 2 percent of commercial areas to be dedicated. The size and shape of the two park blocks will be refined with final approval to meet the requirement.

If the school does not relocate to the area, what guarantee will the city have that the area will not be turned into more housing, creating a neighbourhood without a meeting place or focal point?

Should one of the school boards choose not to use the site in this neighbourhood, the applicant will make further application to the City of Kingston to develop the land. While there are no firm plans in place and a plan would depend on the land use demand at the time, it is anticipated that the lands would be subdivided for residential use. The development would be subject to the policies of the City and, in particular, would be required to provide parkland dedication in accordance with the City's by-law. No matter what the school block is ultimately developed for, the neighbourhood has a meeting place and focal point in the two parks being provided, not to mention potential commercial uses that provide this function (ie coffee shops, restaurants, public meeting spaces within a grocery store, etc).

The layout of the roads does not appear to be easy for buses and emergency equipment to navigate with all the rounded corners. Is this an efficient street plan?

The layout is the most efficient street plan. As noted in the Demonstration Report and subsequent Urban Design Brief and technical response letters, the layout of a plan of subdivision derives from a number of intertwined factors such as existing road connections, phasing of services, location of stormwater management facilities, compatibility of adjacent land uses and on-site considerations such as connectivity and distribution of uses. The plan has been reviewed by the City of Kingston Engineering Department, Transit and Utilities Kingston and no issues have been raised with the rounded corners.

Ms. Watson's answers to my question about solar orientation of the roadways does not, I believe, respect the intent of the Official Plan. It requires subdivision [*sic*] to be laid out to maximize solar generation potential. Saying that this will be up to the individual builders suggest that a street could have houses facing every which way, which is not sensible or good planning.

The above comment suggests that the Official Plan requires subdivisions to be laid out to maximize solar generation potential. This does not accurately reflect the policy in the Official Plan.

The actual wording is as follows:

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- 6.2.1. *The City promotes the design and orientation of development that:*
- a. *maximizes passive solar energy gain and minimizes energy loss from prevailing winds; and,*
 - b. *explores opportunities for renewable energy infrastructure on a site-specific or district-wide basis.*

Policy 6.2.1a refers to passive energy gain, which by definition does not involve mechanical or electrical equipment such as photovoltaic panels. Due to the context-specific considerations necessary for passive design, it is best devised at the individual building design and site planning stage. The energy efficiency of development is determined through due consideration of the site conditions, internal layout and envelope design of the dwellings in question. The statement that builders would have a street with houses “facing every which way” seems to disregard sensible building practices and past evidence of builders who orient their houses toward the street.

Policy 6.2.1b refers to opportunities for renewable energy infrastructure, and there is nothing stating that such opportunities must be the locus of subdivision layout.

In either case, the policy clearly states that such development is to be “promoted,” not that it is “required.” The implied requirement appears later, but is once again referring to passive solar energy gain, not solar power generation potential:

- 6.2.A.2. *The City requires the design and orientation of new buildings and subdivisions in a way that maximizes passive solar energy gain and day-lighting.*

Policy 6.2.A.2 is unclear in its practicality for implementation for either new buildings or subdivisions. The Official Plan does not provide detail on what is meant by “the design and orientation”. If the solar energy gain and day-lighting is maximized by having all houses facing west or east, does that suggest that all new streets in Kingston will be built north/south? In reality, passive solar energy gain rests in the design of the house – placement of windows and other design elements. This is a matter for the Building Code.

The Official Plan encourages sustainable development in an overall sense. The criteria for considering a plan of subdivision are discussed in Policy 9.6.4. While Council does need to be satisfied that energy conservation and sustainability have been sufficiently addressed when evaluating a plan of subdivision, Council must also be satisfied by the availability of municipal infrastructure, the integration of the subdivision with the surrounding urban area, the avoidance of impact on natural features and areas, the public interest in the subdivision, and the design quality of the subdivision. All of these factors influenced decisions on site layout at 700 Gardiners Road.

The design of a subdivision results from an assessment of complex undertakings which must balance several competing priorities and make sensible decisions regarding the various long-term needs of the intended users. Solar orientation is but one of the many contributing factors to eco-friendly urbanism outlined in Section 2.1 (Sustainable Development) and 6.2 (Energy Conservation and Production) of the Official Plan.

The proposed development promotes environmental and social sustainability in several practical ways, including the selection of a site within the existing built-up area of Kingston making efficient use of existing infrastructure, the remediation of contaminated soil and groundwater on a brownfield site, the provision of a mixture of residential forms, types and sizes to accommodate a range of household needs, the location of the development in proximity to civic and public space, the nearby availability of public

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transit, the inclusion of active transportation corridors for cyclists and pedestrians, and an effective stormwater management strategy.

It is our opinion that the design of the proposed development addresses sustainability in a comprehensive and integrative fashion regardless of the orientation of buildings.

Finally, I remain concerned that converting this area from employment lands to residential at this time is a mistake given the city's projected population decline in 2030 and the number of housing units already in development according to staff's April 2016 report.

The appropriateness of converting the lands has been investigated extensively. Please refer to the supporting studies, reports and technical comment responses submitted for this proposed plan. Should more specific comments on this point be provided, we would be pleased to address them.

Should you require any additional information, please do not hesitate to contact me at 613.542.5454 x 224.



YOUKO LECLERC-DESJARDINS, M.P.I.
Planner



MARGO WATSON, MCIP RPP
Director, Planning + Development

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(PLEASE COMPLETE IF YOU WISH TO BE NOTIFIED REGARDING THIS MATTER)

Date June 16, 2016	Public Meeting Official Plan, Zoning By-Law Amendment & Draft Plan of Subdivision 700 Gardiners Road File Numbers: D09-030-2015, D14-120-2015 & D12-022-2015
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NAME: Paul Martin FIRM: _____
 ADDRESS: 961 Lynwood Drive
 SUITE: _____ POSTAL CODE: K7P2K5 PHONE NO.: (____) _____
 WHO ARE YOU REPRESENTING? _____
 EMAIL ADDRESS: _____
 HOW DID YOU FIND OUT ABOUT THIS MEETING? _____
 (letter, radio, newspaper story, advertisement, website, word of mouth)

NAME: Quaker Lodge FIRM: _____
 ADDRESS: 675 Millbrook Cres
 SUITE: _____ POSTAL CODE: K7M 7Z8 PHONE NO.: (____) _____
 WHO ARE YOU REPRESENTING? Self
 EMAIL ADDRESS: _____
 HOW DID YOU FIND OUT ABOUT THIS MEETING? Word of Mouth
 (letter, radio, newspaper story, advertisement, website, word of mouth)

NAME: _____ FIRM: _____
 ADDRESS: _____
 SUITE: _____ POSTAL CODE: _____ PHONE NO.: (____) _____
 WHO ARE YOU REPRESENTING? _____
 EMAIL ADDRESS: _____
 HOW DID YOU FIND OUT ABOUT THIS MEETING? _____
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NAME: _____ FIRM: _____
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 SUITE: _____ POSTAL CODE: _____ PHONE NO.: (____) _____
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(PLEASE COMPLETE IF YOU WISH TO BE NOTIFIED REGARDING THIS MATTER)

<p>Date</p> <p>July 2, 2015</p>	<p>Public Meeting</p> <p>Draft Plan of Subdivision, Official Plan Amendment & Zoning By-Law Amendment</p> <p>700 Gardiners Road</p> <p>File Numbers: D12-022-2015, D09-030-2015 & D14-120-2015</p>
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NAME: Jonathan Potter FIRM: _____

ADDRESS: 1215 Doris Ct.

SUITE: _____ POSTAL CODE: K7M 1A6 PHONE NO.: [REDACTED]

WHO ARE YOU REPRESENTING? myself and Family

EMAIL ADDRESS: [REDACTED]

HOW DID YOU FIND OUT ABOUT THIS MEETING? letter was sent to me.
(letter, radio, newspaper story, advertisement, website, word of mouth)

NAME: Beverly MacPherson FIRM: _____

ADDRESS: 1194 Wheathill St.

SUITE: _____ POSTAL CODE: K7M 0A7 PHONE NO.: [REDACTED]

WHO ARE YOU REPRESENTING? Self

EMAIL ADDRESS: [REDACTED]

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(letter, radio, newspaper story, advertisement, website, word of mouth)

NAME: _____ FIRM: _____

ADDRESS: _____

SUITE: _____ POSTAL CODE: _____ PHONE NO.: (____) _____

WHO ARE YOU REPRESENTING? _____

EMAIL ADDRESS: _____

HOW DID YOU FIND OUT ABOUT THIS MEETING? _____
(letter, radio, newspaper story, advertisement, website, word of mouth)

NAME: _____ FIRM: _____

ADDRESS: _____

SUITE: _____ POSTAL CODE: _____ PHONE NO.: (____) _____

WHO ARE YOU REPRESENTING? _____

EMAIL ADDRESS: _____

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