



**City Of Kingston
Planning Committee
Meeting Number 04-2019
Minutes
Thursday January 24, 2019 at 6:30 p.m.
Council Chamber, City Hall**

Committee Members Present

Councillor Neill; Chair
Councillor Chapelle
Councillor Hill
Councillor Hutchison
Councillor Kiley
Councillor Osanic

Regrets

None

Staff Members Present

Lisa Capener-Hunt, Chief Building Official
Paige Agnew, Director, Planning, Building & Licensing
Lindsay Lambert, Senior Planner
Laura MacCormick, Deputy Director, Planning, Building & Licensing
James Thompson, Committee Clerk
Mary Rae, Senior Legal Counsel

Others Present

Members of the public were present

Meeting to Order

Councillor Neill, Chair, called the meeting to order at 6:31 p.m.

Approval of the Agenda

Moved by Councillor Osanic
Seconded by Councillor Hill

That the agenda be amended to include the addendum, and as amended, be approved.

Carried

Confirmation of Minutes

Moved by Councillor Osanic
Seconded by Councillor Kiley

That the minutes of Planning Committee Special Meeting Number 02-2019, held Thursday January 10, 2019, be confirmed; and

That the minutes of Planning Committee Meeting Number 03-2019, held Thursday January 10, 2019, be confirmed.

Carried

Disclosure of Pecuniary Interest

Councillor Kiley declared a pecuniary interest regarding 203-205 Colborne Street as he is the owner of a property adjacent to the proposed development.

Delegations

There were none.

Briefings

There were none.

Business

- a) **File Number: D14-195-2010**
Address: 203-205 Colborne Street
Application Type: Zoning By-Law Amendment
Owner: Jay Patry
Applicant: IBI Group Incorporated

Councillor Kiley withdrew from the meeting.

Ms. Lambert conducted a PowerPoint presentation regarding the application for Zoning By-Law Amendment – 203-205 Colborne Street. A copy of the PowerPoint presentation is attached to the original set of minutes located in the City Clerk's Department.

Ms. Lambert provided the Committee with a summary of the correspondence received related to the application.

Councillor Chapelle sought further information regarding the parking supply. Ms. Lambert responded that a parking ratio of 0.6 spaces per unit is fairly common for this area of the city. She noted that the property is located near express bus routes. She reiterated that the number of parking spaces provided is appropriate given the area.

Councillor Neill requested that Councillor Osanic assume the role of Chair.

Councillor Neill referenced a document from the Committee of Adjustment related to the application. He sought further information regarding whether the approval of the proposed Zoning By-Law amendment would bring the property into conformity from both an Official Plan and Zoning By-Law standpoint. Ms. Lambert responded that as outlined in the Report, the property would conform to the Official Plan and Zoning By-Law should the amendment be approved. She provided additional information regarding amenity space.

Councillor Neill mentioned that the application has been on the Planning Committee abeyance list for approximately ten years. He questioned if the building would be in compliance from an Ontario Building Code standpoint following the renovation. Ms. Capener-Hunt responded that a building permit will be required and indicated that the property will be inspected before an occupancy permit is granted.

Councillor Neill stated that he is concerned that the proposed amenity space will eventually be utilized as parking space. Ms. MacCormick stated that the application will be subject to the site plan control process.

In response to a question from Councillor Hutchison, Ms. Lambert noted that the property has not been in compliance since approximately 2010 when this matter was brought to the attention of staff.

Councillor Hutchison sought further explanation regarding the units located in the cellar. Ms. Lambert spoke to the related provisions included in the Zoning By-Law. Ms. Agnew stated that there is a long standing tradition of basement units being permitted in this area of Kingston. She indicated that the units will be inspected to ensure compliance with the Ontario Building Code. Ms. MacCormick added that from a habitation

perspective, the basement units meet Ontario Building Code requirements and noted that they are supported by planning rational.

In response to a question from Councillor Hutchison, Ms. Lambert provided additional clarification regarding the proposed amenity space.

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

Mr. Dixon suggested that the applicant provide additional offsite parking. He questioned how snow removal will be handled. He inquired whether there is sufficient insulation between floors. He commented that it is unacceptable that no action occurred on this file for such a long period of time. He questioned if there will be any recourse should the proposed construction schedule is not followed.

Mr. Patry, owner, informed the Committee that the property was purchased in a bank sale in 2001. He mentioned that he received a letter from the City which indicated that the property complied with the Zoning By-Law and explained that ten years later it was identified that the property was not in compliance due to issues with amenity space. He commented that initially a minor variance application was submitted and noted that it was then determined that he would be required to seek a zoning by-law amendment. He stated that he believes that both he and the City are responsible for this situation. He noted that the parking is adequate for the needs of the property and indicated that he has additional parking spaces available in the area if required. He spoke to the cellar and indicated that the associated building permit was granted in the 1990s.

Ms. Lambert reiterated that three parking spaces are located on the property and mentioned that the applicant has indicated that additional parking is available nearby.

Ms. Capener-Hunt spoke further to enforcement and ensuring compliance with the Ontario Building Code.

Councillor Neill requested that Councillor Osanic assume the role of Chair.

Councillor Neill questioned if the City has received assurances from the owner that the building will not be occupied during the construction process and that an inspection will be conducted before an occupancy permit is granted. Ms. Capener-Hunt stated that staff will ensure that the property meets Ontario Building Code requirements prior to granting an occupancy permit.

Councillor Neill emphasized that bike storage be installed and that amenity space not be used as parking space.

In response to a question from Councillor Neill, Ms. Agnew reiterated that staff will inspect the property from a zoning and Ontario Building Code standpoint.

Moved by Councillor Chapelle
Seconded by Councillor Hill

That it be recommended to Council that the application for a zoning by-law amendment (File Number D14-195-2010) submitted by IBI Group Incorporated, on behalf of Jay Patry, for the property municipally known as 203-205 Colborne Street, be approved; and

That By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit A (Draft By-Law and Schedules A and B to Amend Zoning By-Law Number 8499) to Report Number PC-19-002; and

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

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

Carried

Councillor Kiley returned to the meeting.

- b) File Number: D09-007-2018**
Address: 40 Sir John A Macdonald Boulevard
Application Type: Brownfields Community Improvement Plan Amendment – New Project Area
Owner: Siderius Developments Ltd.
Applicant: Fotenn Consultants Inc.

Ms. Lambert provided the Committee with a summary of the Report.

In response to a question from Councillor Chapelle, Ms. Lambert provided background information regarding the funding structure associated with the Brownfields Community Improvement Plan.

Councillor Hill sought further clarification regarding the portions of the property which will be involved in the project. Ms. Lambert spoke to the elements of the site which will be involved in the project and noted the heritage attributes included in the heritage designation By-Law.

Councillor Hill asked staff what the owners obligations are to ensure that the building remains in good repair. Ms. Lambert responded that portions of the building are currently not in good repair. She stated that the building is an important piece of

Kingston's history and indicated that there will be an adaptive reuse of the site in the future. She reiterated that the redevelopment of the property will involve a separate Heritage Act process.

Councillor Hutchison sought information regarding the maximum funding amount that the project can receive. Ms. Agnew provided the Committee with additional information regarding this matter.

Councillor Hutchison asked staff to elaborate further regarding liability. Ms. Agnew provided background information regarding liability and indicated that additional information will become available following the detailed application process.

In response to a question from Councillor Hutchison regarding future uses of the property, Ms. Agnew stated that the applicant would be required to complete an Official Plan and Zoning By-law amendment process as well as the Heritage Act process.

Councillor Neill mentioned that the Brownfields Community Improvement Plan is beneficial to tax payers.

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

Mr. Caron, 796 Unity Road stated that he is supportive of the inclusion of the property in the Brownfields Community Improvement Plan as the developer will be able to receive assistance with site remediation. He indicated that some of the funding should be allocated to the removal of asbestos, old wiring and lead from insides of the buildings. He noted that there is also significant mold which will need to be removed.

Ms. Lambert indicated that interior elements of the property can be considered for funding.

Moved by Councillor Chapelle
Seconded by Councillor Hutchison

That it be recommended to Council that the application for an amendment to create a new Community Improvement Project Area in the City of Kingston Brownfields Community Improvement Plan (File Number D09-007-2018) submitted by Fotenn Consultants Inc., on behalf of Siderius Developments Ltd., for the property municipally known as 40 Sir John A Macdonald Boulevard, be approved; and

That it be recommended to Council that By-Law Number 2005-40 "A By-Law to Designate Brownfields Project Areas 1A, 1B, 2, 3 and 4 as Community Improvement Project Areas", as amended, be further amended as per Exhibit A (Draft By-Law and Schedule A to Amend By- Law Number 2005-40) to Report Number PC-19-006; and

That it be recommended to Council that By-Law Number 2005-41 “A By-Law to Adopt the Community Improvement Plan for Brownfields Project Areas 1A, 1B, 2, 3 and 4”, as amended, be further amended as per Exhibit B (Draft By-Law and Schedule A to Amend By-Law Number 2005-41) to Report Number PC-19-006; and

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

Carried

c) Discussion regarding commencing Planning Committee Meetings at 6:00 p.m.

At the request of the Chair, the Committee gave consideration to commencing Planning Committee meeting times at 6:00 p.m. effective March 21st, 2019.

Councillor Chapelle, Councillor Hutchison and Councillor Osanic expressed their support for the Committee meeting time to remain unchanged.

The Committee did not take action regarding adjusting the meeting time.

Motions

There were none.

Notices of Motion

There were none.

Other Business

In response to a question from Councillor Neill, Ms. MacCormick indicated that a report will be presented to Council regarding Bill 66 at the February 5, 2019 meeting.

Correspondence

There was none.

Date and Time of Next Meeting

The next meeting of the Planning Committee is scheduled for February 7, 2019 at 6:30 p.m. at City Hall.

Adjournment

Moved by Councillor Hill

Seconded by Councillor Osanic

That the meeting of the Planning Committee adjourn at 8:11 p.m.

Carried