



**City of Kingston  
Report to Planning Committee  
Report Number PC-24-020**

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**To:** Chair and Members of the Planning Committee  
**From:** Paige Agnew, Commissioner, Growth & Development Services  
**Resource Staff:** Tim Park, Director, Planning Services  
**Date of Meeting:** April 4, 2024  
**Subject:** Recommendation Report  
**File Number:** D14-007-2021 and D12-003-2021  
**Address:** 1291 Midland Avenue  
**District:** District 2 – Loyalist-Cataraqui  
**Application Type:** Zoning By-Law Amendment and Draft Plan of Subdivision  
**Owner:** West Empire Developments Ltd.  
**Applicant:** Arcadis Professional Services (Canada) Inc.

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**Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote and increased supply and affordability of housing.

**Executive Summary:**

The following is a report recommending approval to the Planning Committee regarding applications for a zoning by-law amendment and draft plan of subdivision submitted by Arcadis Professional Services (Canada) Inc., on behalf of West Empire Developments Ltd., with respect to the subject site located at 1291 Midland Avenue.

Situated at the corner of Midland and Tivoli Avenue, the 2.3-hectare site is rectangular in shape and currently vacant. It is designated Arterial Commercial in the City of Kingston Official Plan and is zoned Development Reserve (DR) in the Kingston Zoning By-Law Number 2022-62. The site is bounded by more vacant land to the north and east, a one-storey commercial structure to the

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south, and single-detached homes adjoining it directly to the west. Despite its size, the site is constrained by the presence of a pipeline operated by Trans Northern, and an associated 18-metre-wide easement which runs along the south side of the property.

The applicant is proposing to intensify this under-utilized and well-positioned property as a mixed-use development comprised of 32 townhomes, a five-storey apartment building with 49 units, and commercial plaza. While the current iteration of this proposal contemplates a commercial plaza at the intersection of Midland and Tivoli, the owner is considering an evolution to the site design that may see a mixed-use building constructed instead. However, recognizing that this re-design is subject to change, there is merit in enabling the commercial zoning in the meantime to provide the owner with development options and reduce red tape should they decide to proceed with a commercial building as originally planned.

To facilitate these three developments, three distinct re-zonings are proposed, each with unique standards tailored to their respective development. The three development sites are proposed to exist upon their own lot in the future, and so the boundaries of each re-zoning align with two proposed consents to sever, which, if approved, would establish two new property lines, dividing the site into three parcels. While the proposed severances are not the subject of this report, they provide important context for the overall approach to development on-site and are themselves only approvable subject to the adoption of the proposed zoning.

While the proposed five-storey apartment building and commercial plaza will be subject to Site Plan Control, the 32 townhouses are to be facilitated through a Plan of Subdivision. The draft plan of subdivision consists of five blocks, four of which contain 8 homes apiece, with the remaining block consisting of a private road with access from Tivoli. This private road provides additional connectivity throughout the subject site and would be protected through a mutual access easement. Additional points of access would be provided via the commercial site – one from Midland Avenue and another from Tivoli, the latter of which would be shared with the apartment building and also protected by a mutual access easement. In order to facilitate a quicker construction of the property an offsite works agreement is being asked for prior to the Subdivision Agreement and Site Plan Control.

The proposal is consistent with the intent of both the Provincial Policy Statement and Kingston Official Plan as it benefits from the amenities of its Urban Area location and contemplates a higher density development that makes effective use of municipal infrastructure. It will contribute towards the creation of healthy, liveable communities that offer a range of housing options that are also supported by both public transit and active transportation. It therefore represents good land use planning by providing additional housing in a compatible manner within an area of the City with full municipal service.

**Recommendation:**

**That** the Planning Committee recommends to Council:

**That** the applications for zoning by-law amendments and draft plan of subdivision (File Number D14-007-2021 and D12-003-2021) submitted by Arcadis Professional Services

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(Canada) Inc., on behalf of West Empire Developments Ltd., for the property municipally known as 1291 Midland Avenue, be approved ; and

**That** Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-020; and

**That** the draft plan of subdivision be subject to the conditions as per Exhibit B (Draft Plan of Subdivision Conditions) to Report Number PC-24-020; and

**That** Council authorize the Manager, Development Engineering to approve any off-site works agreement related to the development of the property municipally known as 1291 Midland Avenue; and

**That** the Mayor and Clerk be authorized to execute any off-site works agreement approved by the Manager, Development Engineering related to the development of the property municipally known as 1291 Midland Avenue in a form satisfactory to the Director of Legal Services and City Solicitor; 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.

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**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,  
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief  
Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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**Options/Discussion:**

**Statutory Public Meeting**

This recommendation report forms the basis of a statutory public meeting at Planning Committee. Anyone who attends the statutory public meeting may present an oral submission, and/or provide a written submission on the proposed application. Also, any person may make written submissions at any time before City Council makes a decision on the application.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Planning Committee will consider the recommendations in this report and make its recommendation to City Council at this meeting.

Anyone wishing to be notified of Council's decision on the subject application must submit a written request to:

Chris Booth, Senior Planner  
The Corporation of the City of Kingston  
Planning Services  
216 Ontario Street  
Kingston, ON K7L 2Z3  
613-546-4291 extension 3215  
[cbooth@cityofkingston.ca](mailto:cbooth@cityofkingston.ca)

**Background and Decision Date**

In accordance with By-Law Number 2007-43, these applications were subject to a pre-application meeting, which was held on August 18, 2020, with Planning Services and various other departments and agencies. Following this, an application was submitted and deemed to be complete as of May 25, 2021.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before August 23, 2021, which is 90 days after a complete application was received. In the absence of a decision by Council in this timeframe, the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT). The applicant has continued to work with City staff to resolve issues related to traffic, setbacks from the pipeline, and adapting the proposal to the Kingston Zoning By-Law following its April 2022 adoption.

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## Site Characteristics

1291 Midland Avenue is located on the southwest corner of the intersection of Midland and Tivoli Avenue, with 180 metres of frontage along Tivoli Avenue and 120 metres of frontage along Midland Avenue. There is currently no formal access to the property. The site is vacant and in a natural state, with the southeast corner comprised of a low-lying area that was investigated for wetland purposes. A qualified professional ecologist found that while the area had the features of a wetland, it did not meet the threshold for wetland evaluation purposes. Despite the low-lying southeast corner, the site is relatively flat and approximately 2.3 hectares in size. It is designated Arterial Commercial within the City of Kingston Official Plan, and zoned Development Reserve (DR) in Kingston Zoning By-Law Number 2022-62.

An important component of the site is the presence of a pipeline running along its southern boundary, operated by Trans-Northern Pipelines, which uses the corridor to transport refined petroleum products. The pipeline is protected by an easement totalling approximately 80 metres in width, much of which is comprised of a 30-metre-wide prescribed area on either side of the pipeline. Development within the easement is strictly prohibited and is the primary constraint on the subject site.

The property is bounded on the north by Tivoli Avenue, across which exists a vacant, mostly vegetated property. To the east is Midland Avenue, beyond which is mostly vacant land through which the pipeline continues eastward, and to the south lies the remainder of the pipeline right-of-way and a place of worship. The lands immediately west are occupied by five single-detached homes which back onto the subject property. The pipeline continues westward, running through the rear yards of the homes along Sierra Avenue.

## Proposed Application and Submission

The applicant is requesting a zoning by-law amendment to rezone the lands from Development Reserve (DR) to three unique zones, each covering approximately one third of the site, and tailored to the development proposed upon them. These consist of a 32-unit townhouse complex on the western portion of the site (to be zoned a site-specific URM1 zone), a 49-unit apartment building in the centre portion (to be zoned a site-specific URM2 zone), and a commercial development on the eastern portion (to be zoned a site-specific CA zone). A breakdown of these individual developments is outlined below.

### Townhouse Development

A total of 32 townhouses each containing 3 bedrooms are proposed along a private road taking access from Tivoli Avenue. Given the size of the site, the resulting density is approximately 43 units per net hectare. Being situated on the western portion of the subject site, they provide a sensitive transition to the single-detached homes whose rear yards adjoin the site. At two storeys in height, they do not create significant overlook or privacy concerns, and with their garages front-loading onto a private road, they are afforded 7.6-metre-long rear yards that further buffer the homes behind. The private road provides a connection to the remainder of the subject site, allowing ease of movement for both vehicles and pedestrians alike, thanks to a sidewalk running

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along the road. Each townhome is proposed to include two parking spaces – one within the garage, and one on the driveway – for a total of 64 parking spaces.

The townhouses would be facilitated through a Plan of Subdivision, which proposes to establish five blocks. Four blocks would contain the 32 townhouse units, hosting 8 apiece, while the fifth block contains the common elements such as the road and surrounding open space. The townhouses themselves are proposed to be freehold and the common elements will be established through a future condominium application. The Plan of Subdivision is proposed to apply to the townhouse portion of the subject site only, with the remainder of the lands to be parceled via Consent to Sever. The townhouses are proposed to be facilitated by re-zoning the western portion of the site to the Urban Multi-Residential type 1 zone (URM1) with site-specific exceptions to enable the creation of more compact building form in order to make the most efficient use of land.

### Apartment Building

A 49-unit apartment building is proposed to be situated in the centre of the subject site, away from the single-detached homes to the west. Given the size of the site, the resulting density is approximately 63 units per net hectare. It also buffers the townhouses and single-detached homes from any future commercial uses that may be proposed at the corner of Midland and Tivoli Avenue. The building is positioned closer to the street with all parking behind, resulting in a more pleasing street wall and pedestrian experience along Tivoli Avenue. The Tivoli façade is further enhanced due to a building entrance with canopy and direct connection to the sidewalk and nearby bus stop which is being improved by the developer for accessibility. The parking lot at the rear can be accessed directly from an entrance on Tivoli but is also connected to the private road running from the townhouses. The building's 49 units are to be structured as rentals and configured in 4 one-bedroom and 45 two-bedroom layouts.

Residents would benefit from a generous 907 square metre landscaped outdoor amenity area which also serves to buffer ground-floor units from the parking lot and sets the building back more than 11 metres from the rear yards of the townhomes to the west (and almost 19 metres from the townhomes themselves). The rear parking lot is dedicated for resident use, with space for 47 vehicles and two car-share spaces. A further two barrier-free parking spaces are available for residents and are located in close proximity to the main building entrance on the east side. Also located along the east side of the building are 14 visitor parking spaces, all easily accessible from the driveway off Tivoli Avenue. A total of 24 long-term bike parking spaces are provided inside the apartment building on the ground floor, with a further 12 short-term bike parking spaces located outside, conveniently located next to the building's side entrance, next to (but separate from) the parking lot.

The apartment building is proposed to be facilitated by re-zoning the central portion of the site to the Urban Multi-Residential type 2 zone (URM2) with site-specific exceptions tailored to unique circumstances arising from the building and site design.

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## Commercial Site

The portion of the site situated at the corner of Midland and Tivoli Avenue is proposed to contain commercial uses consistent with the Arterial Commercial zone in the Kingston Zoning By-Law. While originally contemplated as a single-storey commercial plaza, the owner is considering a refinement to the design which may see it evolve to include a mixed-use building. This would necessitate the addition of new residential uses which have not yet been assessed by City staff, nor been considered in the submitted studies, especially servicing and traffic impact. A further application for re-zoning will be submitted in the future to allow the mixed-use proposal to be reviewed in detail. The original proposal for Arterial Commercial is therefore being brought forward for consideration as it will:

- A) enable the entire site to be re-zoned in a manner that sees the development proposal become compliant with the Kingston Zoning By-Law. Its current Development Reserve zoning does not permit development of this kind, and thus prevents the site from being severed to facilitate this development proposal. Proposals to sever via Consent require sites to be compliant with the Zoning By-Law.
- B) enable the owner to make use of the portion of the site at the corner of Midland and Tivoli Avenue. The Development Reserve zoning does not permit commercial or residential development and is a restrictive type of zoning meant to hold sites in “reserve” until such time as development has been proven feasible. Until plans for the mixed-use building have been finalized, having useable zoning in place in the meantime allows the owner flexibility to proceed with development should they wish.

The commercial site, as currently proposed, involves a single-storey multi-unit building of approximately 2,360 square metres that fronts onto both Midland and Tivoli Avenue. Parking for 95 vehicles is proposed in the rear, with access from both Tivoli and Midland. Possible uses would include those permitted in the Arterial Commercial zone, which range from animal service facilities and day care centres to financial institutions, offices, personal service shops, and retail stores. The corner unit is envisioned to contain patio space supporting a potential restaurant.

Amending by-laws have been created to facilitate the development currently proposed on each of these three development sites, with each containing site-specific provisions tailored to their respective development. These site-specific provisions primarily result from the fact that the entire site was originally designed under the City’s former Zoning By-Law Number 76-26, prior to the adoption of the Kingston Zoning By-Law Number 2022-62. While the current rules have been accommodated to the greatest extent possible, adapting the design fully to the current by-law would have necessitated significant re-designs, which have cascading effects on other elements throughout the site. The requested site-specific provisions in each of these sites enable the City and the development community to bring forward new housing in an efficient and cost-effective manner, without compromising the intent of the new Zoning By-Law. All requested site-specific exceptions are described in further detail in the Zoning By-Law discussion below.

While the site’s redevelopment necessitates the loss of all on-site trees (48 in total/9 in good condition/26 in moderate condition and 13 dead trees), they are proposed to be replaced with 102



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new trees, doubling the existing tree count on the subject property. The planting plan for all landscaped areas will be in accordance with the City of Kingston Tree By-Law and will be further reviewed in detail at the time of Site Plan Control and Final Plan of Subdivision. Further technical details concerning the site layout and design will be finalized through a Site Plan Control application.

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

- 1) Conceptual Site Plan
- 2) Draft Subdivision Plan
- 3) Floor Plans
- 4) Architectural Elevations
- 5) Planning Justification Report
- 6) Stormwater and Servicing Report
- 7) Conceptual Grading & Servicing Plans
- 8) Traffic Impact Study
- 9) Noise Impact Study
- 10) Tree Inventory
- 11) Landscape Plans

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.

### **Provincial Policy Statement**

The Provincial Policy Statement (2020) 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.

The subject property is located within what the PPS defines as an urban settlement area, where growth is to take the form of higher density development patterns that optimize municipal investments in infrastructure and facilities. This, in turn, creates healthy, liveable communities that offer a range of housing options supported by both public transit and active transportation.

The proposal would contribute to making more effective use of a serviced parcel of land through the introduction of 81 new homes in a range of types, including 32 townhouses and 49 apartments of varying sizes. This configuration will provide a much-needed mix of housing supply, and while the exact amount of commercial space is subject to further refinement, the current proposal enables a wide variety of commercial uses consistent with the Arterial Commercial zone and the site's location along a major arterial road in an area served by public transit will allow residents to easily access commercial amenities and other services.

The site is not anticipated to impact or be impacted by natural, or human made hazards. Trans-Northern Pipelines Inc. (TNPI) has a buried gas pipeline along the southern border of the

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property. In the provincial policy, this pipeline is considered as a major facility, which is defined in the PPS as a facility that requires separation from sensitive land uses (residential) including but not limited to airports, manufacturing uses, transportation uses, and oil and gas pipelines.

TNPI has been circulated on the application and has no concerns. The development meets the setback requirements in the zoning by-law established through the Kingston Zoning By-Law, which was developed in consultation with pipeline operators. Additionally, an easement is registered on the lands making future owners aware of the pipeline and any requirements they may be subject to.

A detailed review of the applicable policies is attached in Exhibit F.

### **Official Plan Considerations**

The subject property is located within a Business District (Schedule 2-A – City structure) and designated Arterial Commercial (Schedule 3 – Land Use) in the Official Plan. There is frontage onto a local road (Tivoli Avenue) and an arterial road (Midland Avenue). There are no natural heritage features on the subject lands.

Lands designated Arterial Commercial can develop with a wide variety of commercial uses, but underutilized or outmoded commercial sites can redevelop with medium and high-density residential development subject to the tests within the Official Plan. This site is being considered for both residential uses and commercial uses.

Both residential sites are considered medium and high density and subject to a specific set of locational criteria. The location of the townhomes and apartment building provide suitable transition to the residential neighbourhood to the west, while animating the streetscape and connecting the neighbourhood to Midland Avenue. All residential units are within walking distance of commercial uses, including those that will be created on the commercial block at this site. The area is well serviced by local transit, and Birchwood Park and the Invista Centre are within walking distance, along with a host of employment uses.

The mixed-use proposal is compatible with the surrounding area, and with the various uses proposed within the site. There are no adverse impacts from shadowing, overlook, architectural incompatibility, or visual intrusion. The site's redevelopment is permitted by the Plan in an area where re-development and intensification is encouraged, and the built form is appropriately scaled to transition to the existing nearby residential uses. There are no cultural heritage or environmental resources in the area that may be impacted. Appropriate mitigation measures such as adequate setbacks and height maximums have been implemented with further considerations to occur at the detailed design stages.

Feasibility has been demonstrated for noise, water, wastewater, and stormwater services. There are no built heritage, natural heritage, or natural hazard concerns. Future final plan of subdivision and condominium, and site plan control will review these matters in detail.

A detailed review of the applicable policies is attached in Exhibit H.

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**Zoning By-Law Discussion**

The property is currently zoned Development Reserve (DR) in the Kingston Zoning By-Law (Exhibit I – Zoning By-Law Number 2022-62). The DR zone only permits park space or a pre-existing single-detached home, but its designation of Arterial Commercial in the Official Plan enables commercial and residential, and development provided the residential uses are adjacent to a Residential designated area, and that they offer adequate amenity space, protection from noise and other impacts, and active transportation linkages exist. The Official Plan requires that introduction of residential uses into Arterial Commercial areas be subject to a rezoning and Site Plan Control process. This allows the proposal to be assessed against the Official Plan’s compatibility and location criteria, as well as density and urban design policies.

Development of the site is proposed to be facilitated by re-zoning to three unique zones, which will apply uniquely to the townhouses, apartment building, and commercial site as follows:

- 12) Urban Multi-Residential type 1 zone (URM1) with site-specific exceptions (E155) to facilitate the 32 unit freehold townhouse subdivision.
- 13) Urban Multi-Residential type 2 zone (URM2) with site-specific exceptions (E156) to facilitate the 49-unit apartment building.
- 14) Commercial Arterial zone (CA) with site-specific exceptions (E157) to allow a commercial building on an inter-connected site.

These primarily result from the fact that the site was originally designed under the City’s former Zoning By-Law Number 76-26, prior to the adoption of the Kingston Zoning By-Law Number 2022-62. A detailed summary of the proposed refinements to the zoning provisions, along with a rationale for each change, can be found below.

**Table 1 – Requested relief from URM1 Zone**

Provision	URM1 Zone	Proposed E155	Relief Requested from the URM1 Zone
Minimum lot area	Semi-detached house, townhouse: 180 square metres per dwelling unit	153 square metres per dwelling unit	Yes
Minimum exterior setback	Semi-detached house, townhouse: 7.5 metres	5.5 metres	Yes
Minimum interior setback	Semi-detached house, townhouse: (a) 1.8 metres (b) where a common party wall is located along a lot line: 0 metres	1.194 metres	Yes

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Maximum lot coverage	45%	55%	Yes
Minimum driveway width	3 metres	2.74 metres	Yes
Maximum number of parking spaces	1.0 space	2.0 spaces	Yes
Maximum cumulative width of all driveways on a lot within the required front setback or exterior setback (m)	The lesser of 6 metres or 40% of the length of the applicable street line (2.2 metres), provided that the minimum width of the driveway is 3.0 metres	2.74 metres	Yes
Projections into required setbacks	Sills, belt courses, chimneys, fireplace projections, cornices, eaves, gutters, parapets, pilasters, or similar ornamental architectural features may project into any required setback a maximum distance of 0.5 metres, provided such feature is setback a minimum of 0.5 metres to any lot line	Eaves/gutters within 0.15 metres of lot line	Yes
Deck and porch provisions – Minimum interior setback	Height no greater than 0.6 metres, semi detached house and townhouse: 0.6 metres, except along a common party wall where it may be 0.0 metres if there is a common privacy fence a minimum of 1.5 metres tall	0.47 metres	Yes
Pipeline Separation Distances	Driveways, drive aisles, parking spaces, parking lots, retaining walls, light standards and utility poles: 7 metres	0.2 metres	Yes

**Discussion of Requested Relief for Townhouse Development**

The relief requested for lot area, setbacks, and frontage is primarily meant to facilitate smaller townhome sizes on private services through a condominium plan. The development community has been gradually shifting to narrower building forms, which not only makes better use of land, but also reduces the overall cost of housing. As with higher-density development, it spreads

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servicing and infrastructure costs among a larger share of homes thereby decreasing the cost borne per dwelling. The proposed reductions to frontage and setbacks do not materially impact the use and enjoyment of the individual freehold townhouse units, and the applicant has been able to ensure a usable living space arranged in an efficient layout. The requested reduction to projections into the required setbacks is also necessary to achieve this manner of built form but is only needed for the townhouses in Blocks 2 and 3. The reduced projection is not a concern as the townhouses in the two adjoining blocks – Block 1 and 4 – are positioned further away from the block boundary so as to provide room for a 1.8 metre wide maintenance pathway, thus maintaining adequate space between the sets of townhouses. Finally, the applicant is requesting only a minor reduction of 13 centimeters for the minimum interior side yard for decks, to enable a usable and practical deck size that aligns with the proposed built form of narrower townhouses.

At a lot coverage of 55%, there is still abundant outdoor area and backyard space which can accommodate trees in all yards and still provides enough room for parking. The proposed reduction in driveway width is not a concern as it would result in a parking space that is wider still than parking spaces provided in multi-unit buildings; at a reduction of only 26 centimeters, the functionality of the parking space is not affected, with ample room remaining along the sides of a vehicle. Similarly, the requested reduction to cumulative driveway width still meets the intent of the Zoning By-Law in limiting the amount of lot frontage that is taken up by driveways, with the amount still being capped at an acceptable 2.74 metres, which is consistent with the requested driveway width. This would ensure that approximately half of the front yard remains as landscaped open space.

Given that the site is interconnected and functions as one, each of the three amending by-laws propose reductions to the setback from a pipeline right-of-way, owing to the private roadway/drive aisle that runs along the southern edge of the site. Being adjacent to the right-of-way, this roadway necessitates relief from the By-Law’s required 7 metre setback, which applies not only to buildings, but also to drive aisles. This is a more restrictive regulation than that levied by Trans-Northern Pipelines (TNPI), which only requires a setback for buildings. The applicant has met TNPI’s required 10 metre setback and removed two end-unit townhouses to do so. TNPI has no concerns with the roadway being adjacent to the right-of-way and has made the applicant aware of the requirements for any vehicles which may need to access the right-of-way for construction purposes. The applicant is proposing a 0.2 metre setback from the right-of-way on the townhouse site, which accounts approximately for the curb width.

**Table 2 – Requested relief from URM2 Zone**

Provision	URM2 Zone	Proposed E156	Relief Requested from the URM2 Zone
Maximum height	12.5 metres	16.8 metres	Yes

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Minimum front setback	6 metres	3.0 metres	Yes
Minimum long-term bike space requirement	0.9 per dwelling unit x 49 = 44 spaces	24 spaces	Yes
Long-term bike space design standards	Minimum 30% (13 spaces) horizontal spaces	12 horizontal spaces	Yes
Enhanced bike parking facilities for multi-unit residential	A minimum of 10% (4 spaces) of the long-term bike spaces must be provided as larger horizontal bike spaces with minimum dimensions of 1.0 metre wide by 2.6 metres horizontal length, with a minimum vertical clearance of 1.9 metres and must be provided with access to one standard electrical outlet	0 spaces	Yes
Enhanced bike parking facilities for multi-unit residential	A minimum of 10% (4 spaces) of the long-term bike spaces must be provided in secure bike lockers that are provided with individual, secure enclosures where a private lock can be affixed and must include a standard electrical outlet;	0 spaces	Yes
Enhanced bike parking facilities for multi-unit residential	A minimum of 10% (4 spaces) of the long-term bike spaces provided in a shared bike room must be provided with access to one standard electrical outlet per long-term bike space;	0 spaces	Yes
Enhanced bike parking facilities for multi-unit residential	A minimum of 50% of the short-term bike spaces must be weather protected	0 spaces	Yes

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Projections into required setbacks	Eaves, gutters, or similar ornamental architectural features may project into any required setback max 0.5 metres, provided it is 0.5 metres from any lot line	North canopy over building entrance is permitted to encroach 0.81 metres into required front setback but is greater than 0.5 metres from lot line.	Yes
Pipeline Separation Distances	Driveways, drive aisles, parking spaces, parking lots, retaining walls, light standards and utility poles: 7 metres	0.3 metres	Yes

**Discussion of Requested Relief for 5-storey Apartment Building**

To facilitate a 5-storey building of 16.8 metres, the applicant is requesting relief from the URM2 zone’s height limit of 12.5 metres. The URM2 zone contemplates apartment buildings on narrower lots with frontage of only 18 metres and interior side yard setbacks of only 6 metres. But as the subject site affords setbacks more than double that of the URM2 zone, it ensures that potential impacts arising from a taller building such as massing and overlook are minimized. While side yard setbacks are being enhanced, the applicant is proposing to situate the building closer to Tivoli Avenue to create a more effective and pedestrian-friendly relationship with the street and the sidewalk that is proposed to run along it. A building entrance along this façade would ensure easy pedestrian access to the sidewalk and the nearby bus stop. To further enhance the pedestrian experience and encourage walking, a canopy is proposed overtop the Tivoli Avenue building entrance, but this necessitates minor relief from the By-Law’s allowable projections into a setback area. While a 0.81 metre projection is proposed contrary to the 0.5 allowed, the applicant is able to retain a setback of at least 0.5 metre from the lot line, which is in keeping with the intent of the By-Law.

Relief is requested from some of the By-Law’s bike parking provisions, as the building and site was designed prior to the introduction of bike parking requirements in the Kingston Zoning By-Law, which came into effect one year after the application was made. Significant time and investment had already been made in its review, and while re-designs carry additional cost, the most challenging consequence was how to integrate new features such as interior bike storage without creating unintended ripple effects that necessitate additional re-designs throughout the remainder of the site. The applicant did, however, make efforts to provide enough space for approximately half of the bike parking typically required. The ground floor was re-designed to accommodate a bike storage room accommodating 24 rather than 44 long term bike spaces, with additional relief necessary to allow only 12 of them to be placed horizontally rather than 13. Space constraints necessitated further relief from the need to accommodate 4 enhanced bike parking spaces (which are larger than a typical space), but this was done to create room for as many long-term spaces as possible.

As with the townhouse site described above, relief from the By-Law’s required 7 metre setback from the pipeline right-of-way is required to enable the private road/drive aisle that runs adjacent to

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the right-of-way and connects the apartment building with the townhouses. Trans-Northern Pipelines has no concerns with the road’s location, and so the applicant is seeking a setback of 0.3 metres, which accounts for approximately the width of the curb.

**Table 3 – Requested relief from CA Zone**

Provision	CA Zone	Proposed E157	Relief Requested from the CA Zone
Minimum landscaped open space	20%	15.8%	Yes
Planting strip provisions	Where a parking lot is adjacent to a sidewalk or walkway, a minimum 3.0-metre-wide planting strip must be provided between such parking lot and sidewalk or walkway	No planting strip required between parking lot and walkway providing access to exterior entrances to units within the proposed building.	Yes
Loading space location provisions	Must be located in the rear yard or in the interior yard and must be provided with a visual screen in such a manner that the loading space is not visible from a street or any abutting residential use.	Must be located in a rear yard or interior yard, but no visual screen required.	Yes
Loading space location provisions	Must abut the use or building that requires the loading space.	Is not required to physically abut the use or building that requires the loading space.	Yes
Planting strip provisions	Minimum 3.0-metre-wide planting strip along the portion of the lot line that abuts a residential use or undeveloped land in a UR zone	No planting strip required along the portion of the lot line that abuts a residential use.	Yes
Pipeline Separation Distances	Driveways, drive aisles, parking spaces, parking lots, retaining walls, light standards and utility poles: 7 metres	0.3 metres	Yes



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**Discussion of Requested Relief for Commercial Plaza**

As this site is anticipated to be re-designed to accommodate a potential mixed-use building, limited site-specific exceptions are noted, with the goal being to, ready the site for its original purpose as a commercial plaza. Some requested zone reliefs are due to the site's parking lot and drive aisles being interconnected with the adjacent apartment building. Additionally, some reliefs are also due to the site having been designed in compliance with Zoning By-Law Number 76-26, which was in effect at the time the application was submitted.

Relief from minimum landscaped open space is therefore requested to allow 15.8%, as the previous By-Law required only 15%, as opposed to the current requirement of 20%. Providing additional landscaped area would necessitate a re-design of the commercial site and would impact the concurrent Site Plan Control application for the plaza that was submitted and is already fully reviewed, with no further concerns by City staff. The requirement for a 3.0-metre wide planting strip between parking lots and walkways would also necessitate the re-design of the commercial site, with significant implications for the parking lot and drive-aisle configurations. Similarly, the applicant cannot meet the requirement for a 3.0-metre wide planting strip along the lot line where it abuts the apartment building without a significant re-design. The applicant is also seeking relief from loading space screening and positioning requirements, which would impede the functionality of the loading spaces as designed.

Again, as with the townhouses and apartment building described above, relief from the By-Law's required 7-metre setback from the pipeline right-of-way is required to enable the private road/drive aisle that runs adjacent to the right-of-way and connects the apartment building with the townhouses. Trans-Northern Pipelines has no concerns with the road's location, and so the applicant is seeking a setback of 0.3 metres, which accounts for approximately the width of the curb.

The requested reliefs therefore position the applicant to proceed with a commercial plaza, if desired. However, given the likelihood of the site being re-imagined as a mixed-use building, a future zoning by-law amendment application would be necessary and would provide additional opportunity for detailed review and discussion of any new zone reliefs.

**Draft Plan of Subdivision Conditions**

The draft plan conditions are enclosed as Exhibit B. The conditions contain standard requirements reflective of an infill subdivision within the built-up area of the city, and forms part of a larger property being severed via additional Consent applications, and which utilizes a private road. Some of the more notable conditions include:

- Condition 10 requires the owner to obtain Consent to sever the remainder of the subject lands, appreciating that the proposed subdivision only applies to the western portion and will not subdivide the remaining parcels hosting the apartment building or commercial plaza.

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- Condition 11 requires the submission of a geotechnical report prior to Final Plan approval and requires the recommendations of other studies related to servicing, traffic, noise, and stormwater management to be implemented to the satisfaction of the Municipality.
- Condition 14 requires the submission of Cash-in-Lieu of Parkland for all or a portion of the conveyance.
- Condition 15 requires submission of a Tree Planting plan to the satisfaction of the Municipality prior to Final Plan approval, appreciating that the proposed subdivision is not subject to Site Plan Control.
- Condition 18 advises the owner to obtain all necessary approvals from Trans-Northern Pipelines prior to the commencement of any on-site activity. Trans-Northern did not require specific conditions through Plan of Subdivision, as they are separately governed under the *Canadian Energy Regulator Act*.

### Off Site Works Agreement

In order to allow a smooth construction process, the applicant would like to begin work on associated infrastructure prior to the execution of a site plan agreement. To facilitate this, staff is seeking to enter into an offsite works agreement for the servicing work being proposed on Tivoli Avenue prior to the execution of any other agreements.

This process has been reviewed internally and it is expected that this agreement can be entered into and completed with minimal risk to the City. As is standard with off-site works agreements, all works will be completed at no cost to the city, and in addition to this, securities will be taken in an amount equal to the construction cost.

To complete this process in a timely manner staff is asking that delegated authority be given to the Manager of Development Engineering to approve any off-site works agreement only in relation to the development of 1291 Midland Avenue.

### Other Applications

This property is currently subject to applications for the following:

- 1) Site Plan Control for the 49-unit apartment building (D11-007-2021).
- 2) Site Plan Control for the single-storey commercial building (D11-008-2021). This application will remain on hold pending the owner's final decision on whether to proceed with the mixed-use building. If the owner decides to abandon the proposal, the current application will be canceled.
- 3) Consents to Sever the subject site to establish three parcels for each development (D10-010-2021 and D10-011-2021). These applications will only proceed if the re-zoning is approved, as the proposal must be zone compliant to qualify for Consent to Sever via delegated authority.

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## Technical Analysis

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with this application remain at this time.

## Public Comments

The following is a summary of the public input received to date, including a summary of the feedback received at the Community Meeting on September 3, 2021. All original written public comments are available in Exhibit L of this report.

## Providing Public Notice

- 15) Question/Comment: Why do some residents not receive notice? How does the City handle notice provision to ensure residents are aware of nearby development proposals?

Response: The Planning Act requires that the City send direct mail notices to properties within 120 metres of the subject property. This can sometimes result in properties located on one side of a street receiving a notice while the other side does not. To ensure notice is also provided more generally throughout the community, the City requires signage to be posted on the property. This signage identifies the applications that have been made pursuant to the Planning Act, along with a brief description of what the applications entail and contact information.

## Increased Residential Density

- 16) Question/Comment: While additional residential density is concerning, a 5-storey apartment is particularly noted as being out of proportion and will create privacy concerns. The site should have stayed commercial to create a walkable community with more services for the neighbourhood, as it is lacking in nearby commercial amenities. Instead of an apartment, the central portion of the site should have been left as a park or greenbelt for the townhomes.

Response: The Province (through the Provincial Policy Statement) and City (through the Official Plan) direct new development to occur within the urban area at higher densities, so as to make better use of existing land and available services. While the site's Arterial Commercial designation in the Official Plan does envision commercial services on this property, it also allows higher density residential uses where they have been demonstrated to be compatible with their surroundings and are supported by available infrastructure.

The site has been laid out such that the townhomes act as a buffer between the existing single-detached houses and the apartment building. The houses and townhomes are also buffered from the commercial corner by the apartment building, which results in an effective transition of uses across the site. Furthermore, the apartment building has been

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designed so that balconies are limited in their size and breadth. The Kingston Zoning By-Law contains regulations that limit balcony sizes specifically to ensure that overlook onto neighbouring properties is minimized; the applicant is not seeking any zoning relief to expand this limitation.

- 17) Question/Comment: How can this additional height be allowed when residents in houses have been turned down on height increases when renovating their homes?

Response: The City can entertain increases to height and density by virtue of the fact that the proposal takes the form of a Zoning By-Law amendment. Such variances can also sometimes be facilitated through the Minor Variance process through the Committee of Adjustment, but the site's Arterial Commercial designation requires residential intensification to occur through a re-zoning. This ensures that a higher degree of public notice is provided, at least two public meetings are held, and there is greater opportunity to provide the public with an opportunity to become involved. Without going through either of these processes, residents wishing to expand or alter their homes would be required to meet the height requirements outlined in their zone.

### **Water Pressure & Sanitary (Available Servicing)**

- 18) Question: There is a lack of water pressure in the neighbourhood – will this development make it worse? Will water pressure be improved? Existing servicing is not conducive to this new growth. Has Utilities Kingston approved of this?

Response: Utilities Kingston has reviewed the servicing report and found no concerns with maintaining water pressure at this time. According to inspections of local hydrants, operating pressures in this area have been found to be within the normal and/or acceptable range. Utilities Kingston has advised that if residents discover a lack of water pressure to their property, they are encouraged to contact Utilities Kingston directly to report an issue and have it investigated further.

With regards to any individual development proposal, the applicant is required to demonstrate that sufficient capacity exists to both provide sufficient servicing supply to the new development and ensure that any pre-existing development in proximity to the site is able to maintain acceptable levels post-construction. If insufficient servicing is identified, it is the responsibility of the developer to upgrade services to achieve that requirement.

- 19) Question: The servicing report was based on 32 townhomes and 45 apartments, not 49. Is it accurate and reliable?

Response: The introduction indeed references 45 apartments, but this is a typo. The report conclusions correctly reference 49 apartment units and concludes there is sufficient servicing capacity. The report was reviewed and accepted by Utilities Kingston, with no concerns.

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20) Question: It appears that sanitary capacity will be brought to its limits. With the Midland Park neighbourhood not yet fully built out, will other development areas, such as Executive Avenue, be put on hold if this development proceeds? Will sewer backups be a concern for the community? Perhaps a smaller development (2-3 storey apartment) would be more appropriate.

Response: The servicing report for the proposed development included the design for the sewer catchment area, which includes the full build-out of Midland Park. Utilities Kingston has confirmed that the sewer design is a very conservative method for evaluating network capacity. Field measurements were reviewed downstream and verified that the actual sanitary flows are well within the capacity limits of the pipe.

### Traffic Impacts

21) Question: This proposal will generate too much traffic for the area to handle, and with congestion already being noticeable on Midland, this development will only make matters worse. Drivers will seek to avoid Midland and pursue alternate routes through the neighbourhood, thereby impacting Sierra, Jade, and Frank Street. The Traffic Impact Study (TIS) did not assess these possibilities, and generally seemed inadequate and based on incorrect data. To deal with congestion on Midland and enable cars to make safe left-hand turns, the intersection of Midland and Tivoli should be signalized.

Response: Despite the presence of a typographical error indicating the study was done for Ottawa, the methodology, data, and findings of the TIS are still accurate and reflective of the neighbourhood, and the study was reviewed and accepted by City staff. The TIS analyzed several intersections surrounding the subject site, including Midland and Macrow Street, Midland and Tivoli Avenue, and Midland and Cataraqui Woods Drive. Traffic data for these intersections was supplied by the City of Kingston, and the TIS projected how traffic volumes are expected to naturally increase out to the year 2026, independent of the proposed development. The study even went so far as to adopt a "worst-case scenario" approach whereby planned improvements to the transportation network are assumed to not take place, thus providing an indication of how the intersections might function if no enhancements are made.

To properly consider the impact the proposed development might have on existing and future traffic conditions, the TIS took into account the full variety of uses proposed on the subject site. This ensures that the anticipated traffic counts are as accurate as possible, and reflect the townhomes, apartments, and various commercial uses. It is worth noting that the commercial uses include the expected trips generated by an automotive service centre, which constitutes one of the highest rates. However, this use has been removed from the proposed development, making the findings of the TIS even more conservative. As the TIS originally contemplated the building to be constructed in 2021, the City's Transportation Department also requested that the applicant update their traffic projections to consider a new 2023-time horizon. Through that analysis, the applicant

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confirmed that the additional 2 years of traffic growth did not impact the overall conclusion of the TIS, intersection capacity, or the auxiliary lane analysis.

The TIS found that Midland Avenue continues to be the faster and more direct route to the subject site, with limited potential for traffic generated by the site to travel through the established neighbourhood. All roads and intersections around the subject site (including the intersection of Tivoli and Midland) were found to operate at acceptable levels of service, with no need for enhancements. The need for signalization at this intersection was also studied and found to be unwarranted, though the City continues to monitor traffic flow and the potential need for upgrades where needed. The assumptions contained within the report and the extent of its study area provide an accurate analysis of potential impacts, which were reviewed and accepted by City staff.

22) Question: The Traffic Impact Study was conducted during the pandemic when traffic counts would have been lower.

Response: The study acknowledges that weekday traffic levels (which are mostly commuter-based) at the time of writing were impacted by the pandemic. It therefore did not rely on counts conducted during weekday peak hours during the pandemic time period, and instead relied on recorded data from 2014, 2017, and 2018, with an additional annual growth rate applied. The findings are therefore not influenced by reduced weekday traffic levels seen throughout the pandemic. However, the study noted that weekend trips during peak periods were much less influenced by the pandemic as most commercial establishments had re-opened during Phase 3 of the pandemic recovery period. It noted that weekend traffic had generally returned to pre-pandemic levels, enabling weekend traffic counts to be reliably used within the study.

23) Question: The private road will be too narrow and won't accommodate on-street parking, thereby causing people to park on Tivoli instead. The garages likely won't be big enough for anything other than a sub-compact car, forcing people out onto the street. Will a street this wide accommodate large vehicles such as garbage trucks and snowplows?

Response: The private street is proposed to be eight metres wide, which exceeds the City's six-metre minimum requirement. This requirement is in place to ensure that larger vehicles such as garbage trucks, snowplows, and particularly fire trucks (per the Ontario Building Code) can easily access the site. The street is therefore of sufficient width for large vehicles, but as a private road, it will be the developer's responsibility to manage parking on-site. Provision of services such as snowplowing and garbage collection will also be privately managed and are not provided by the City on private sites unless established by a separate agreement at the owner's request.

The garages for each townhome are proposed to be six metres in length, which complies with the City's minimum requirements for parking spaces. Their width exceeds the minimum 2.6 metre requirement, and they are designed to be fitted with a standard (eight-foot-wide) garage door. The additional parking space in the driveway is notable in

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that it exceeds the City's maximum parking requirement, and so the proposed development is in fact providing more parking than is required. The additional parking spot in each seven-metre-long driveway also meets the Kingston Zoning By-law, with the small exception of minimum driveway width (proposed to be 2.7 metres rather than 3.0 metres). This still exceeds the size of parking spaces in multi-unit buildings though, making it unlikely to affect the usability of the driveways. Both the garages and driveways exceed the City's permitted number of parking spaces and provide residents with ample opportunity to park personal vehicles on-site. Furthermore, two visitor parking spaces are also proposed exclusively for the townhouses, despite not being required. While the City does not presently have parking restrictions in place on Tivoli Avenue, the applicant has been advised that the City could put implement restrictions in the future, if necessary.

### **Bicycle Parking**

24) Question: No bike parking is being provided for either the plaza or the apartment building. The City has been encouraging alternative modes of travel, so there should be somewhere devoted to bike parking on these sites.

Response: The apartment building proposal has been modified to provide a total of 36 bike parking spaces (24 long-term spaces for residents inside the building, and 12 short term spaces outside). As described in the zoning section above, the site was designed (and the application submitted) prior to the introduction of bike parking requirements in 2022, so the applicant has endeavoured to provide as many as possible without triggering a significant site-wide re-design. The commercial plaza is proposed to include a total of 3 long-term bike spaces and 10 short-term spaces (the latter of which exceeds the City's requirement of 9 spaces).

### **Accessibility**

25) Question: Concerned that only 3 accessible parking spaces are being proposed for the apartment building. This is not enough for 150 people (at 2.7 people per 49 units)

Response: Accessible parking spaces have been proposed in compliance with the City's minimum requirements. These requirements were unchanged in the new Kingston Zoning By-Law despite other parking requirements being decreased or altogether eliminated. The City is careful to ensure that By-Law provisions are developed in accordance with best practices, and with input from affected stakeholders. To that end, Planning Services works closely with the Municipal Accessibility Advisory Committee (MAAC) to ensure optimal accessible site design.

### **Affordable Housing**

26) Question: Will there be any affordable housing in this development? The Official Plan says 25% of new development in Kingston is to be provided as affordable housing. What are the developer's projected prices for the housing units?

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Response: As the housing market changes over time, price points will not be fully determined or available yet and are not a consideration with the purview of Planning Services. Affordable Housing (as differentiated from market rate housing) is not proposed on the subject property, and the City no longer has the mechanism to require it as percentage of new development. Therefore, the extent to which the City can help encourage affordable market rate housing is primarily through encouraging developments that offer a range in building types and unit sizes, as small buildings and units are relatively less expensive than larger ones.

### **Garbage and Recycling Service**

27) Question: how will garbage and recycling pick up happen? Collection services are already bad in the neighbourhood, so how can the City also service this development? Will it be improving its collection services?

Response: As the site will be privately managed, it will be the developer's responsibility to coordinate the provision of services including garbage collection. The applicant has been advised that services will not be provided by the City unless established by a separate agreement at the owner's request.

### **Pedestrian Connectivity/Sidewalks (bus stop inadequate)**

28) Question: There is limited or no sidewalk connectivity, which forces reliance on cars. The bus stop is also inadequate and not connected.

Response: The proposal has been revised to include a sidewalk running the full perimeter of the site along Tivoli Avenue and Midland Avenue, which ensures a connection to the existing sidewalk along Tivoli. As part of the planned sidewalk design, the applicant is also proposing a full, proper concrete pad for the existing bus stop on Tivoli. These enhancements will ensure improved walkability both for the subject side and the broader area, allowing residents in Midland Park to more easily access any proposed commercial services on-site.

### **Current zoning**

29) Question: Current zoning is Development Reserve, which doesn't enable this kind of development. It should be kept low density. Residents were misled, and thought this would only be a commercial site, not townhomes, 5 storey apartment and a strip mall - how is this possible? There is other land in Kingston that is better suited. Some residents would never have bought their lot or home if the zoning could be amended and anything built there.

Response: Zoning is always subject to change, provided the appropriate provincial processes are followed. The purpose of a zoning application (especially in this instance) is to prove the land in question can support the proposed change. Furthermore, the Official Plan directs any proposal for medium or high density residential on lands designated Arterial Commercial to go through a re-zoning process. The proposed



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development was not allowed as-of-right and the developer was required to prove (through the submission of studies ranging from servicing and stormwater management to traffic impact), that such a change would be possible. As an under-utilized site with existing municipal servicing and available transportation connections, the subject lands are well positioned and meet provincial requirements that new development be directed to existing built-up areas.

The subject site is located along a major arterial and was designed in a manner that positions new development as sensitively as possible given the presence of adjacent single-detached houses. This is accomplished by using low-rise townhouses to buffer the existing homes from the apartment and ensuring a more effective transition in density. The zoning by-law amendment process is deliberately structured to provide public notice of any proposal to alter the existing zoning and afford residents an opportunity to provide input on development proposals before any decisions are made.

- 30) Question: Commercial would be fine in this location, but not a 5-storey apartment building and 34 townhouses, lots of parking and no green space. The existing community is not comprised of this type of development – there are no townhouses, semi-detached homes or apartments; this proposal is a big concrete city. This rezoning doesn't fit with Kingston's mission and values.

Response: The current Development Reserve zoning only permits a very limited level of development, essentially restricted to a single dwelling. As such, the Official Plan is the primary document dictating the vision for the land and in this instance the property's designation as Arterial Commercial is intended to permit commercial uses which are oriented largely toward the travelling public. However, the Plan also encourages mixed use, and as such, also makes allowances for medium and high-density residential uses on the subject lands. So, while the proposed development does not comply with the existing zoning, the applicant has requested an amendment to the Zoning By-Law to permit residential and commercial uses in alignment with the vision of the Official Plan, which is a Council-approved document that sets out the City's planning goals and policies for new development.

While also enabling the commercial development desired by the surrounding community, the proposed development also introduces much-needed housing in a compatible format. This is an important response to the City's housing and affordability crisis, but it does not do so at the expense of good planning. The proposal seeks to develop the site in as sensitive a manner as possible by positioning the lowest-rise buildings adjacent to the existing neighbourhood.

### **Proximity to the Pipeline**

- 31) Question: There appears to have been little contact between the pipeline and the developer. Provincial policies would prevent such a development, but the city has ignored this. There

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are concerns over resident safety as the pipe is more than just infrastructure. Why would the city allow development so near to a pipeline?

Response: With regards to the interpretation and application of policies related to pipelines in the Provincial Policy Statement (PPS), they are defined as Major Facilities and have their own corresponding set of policies in the PPS under Section 1.2.6. Pipelines are not exempt from the hazard policies of Section 3, but the policies contained within Section 3 do not apply to pipelines given their definition as a major facility and the existence of a dedicated section governing major facilities (1.2.6) within the PPS. Within this section, it is recognized that there is a need to locate these facilities and understand encroaching land uses appropriately. The policy specifically states the need to minimize and mitigate potential adverse effects including public health and safety. In recognition of this, pipeline operators are circulated on nearby development applications in accordance with all Planning Act requirements, within buffers as identified by the pipeline operators, and within the prescribed area under the Canadian Energy Regulator Act to ensure that appropriate standards and setbacks are applied.

With regards to defining pipeline contents as hazardous substances, the definition of Hazardous Substances in the PPS does include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological. However, it is important to consider how hazardous substances are referred in the context of the policy section. Hazardous substances are referenced to only once in Section 3.1.5, noting that development shall not be permitted in hazardous sites or hazardous lands (both defined terms dealing with natural phenomena) where the use is associated with the disposal, manufacture, treatment, or storage of hazardous substances. In essence, this directs planners not to place a use that deals with the creation, storage, or disposal of hazardous substances where the lands could be unsafe for development from karst topography, erosion, flooding, or dynamic beaches. It does not apply it in the context of transporting such substances through pipelines.

In alignment with the policy direction in Section 1.2.6 of the PPS, Trans Northern Pipelines was involved in the review of this proposal and requested an additional 10 metre setback beyond the easement (which itself extends out 30 metres on either side of the actual pipeline). This additional 10 metre setback was not originally contemplated in the development proposal, and so resulted in the removal of two townhouse units. This demonstrates the effectiveness of the City's circulation process at ensuring development in proximity to pipelines is properly assessed, and the important role operators such as TNPI play in ensuring safe and responsible development.

32) Question: In some past cases, purchasers were not made aware of the pipeline when they bought their home – why not?

Response: It is not within the purview of the City to notify homeowners of the presence of a pipeline. For those properties through which the pipeline runs (which includes a number of houses along Sierra Avenue) the easement may be registered on title, just as it is

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registered on the title of the subject lands. Registered documents are typically reviewed and brought to a purchaser's attention by their lawyer when completing a land transaction, though the City is not involved in and cannot comment on the due diligence process for individual land transactions.

### **Lack of Green Space for Residents**

33) Question: This development should include more park space, and a greenbelt should have been placed around the townhouses in lieu of the apartment building. A lack of onsite parkland for recreational use will force new residents to utilize other nearby parks instead. Existing nearby parks are already under-developed, and the City hasn't made any investments to improve them.

Response: Making better use of existing park space helps the City focus and direct investment rather than spreading it thinly across multiple sites. While the City monitors, plans, and budgets for future park improvements, the justification for additional investments in existing parks is even stronger when those parks are seeing higher rates of use. The City's system of accepting cash-in-lieu of a developer providing (or conveying) park space allows funds to be generated that can be put towards the enhancement of park space in existing neighbourhoods. The developer of the subject lands is proposing to provide cash-in-lieu of on-site park space, which the City will be able to put towards necessary park improvements.

34) Question: Cash-in-lieu is not an appropriate substitute; the developer should buy additional nearby land and build new parks pace. The cash-in-lieu by-law requires additional land nearby to be purchased for the benefit of new development, so why can't this be done? There is empty land in the area that could be bought for exactly this purpose.

Response: The Parkland Conveyance By-Law was changed in 2022 and now gives the City the ability to, in its sole discretion, require the payment of money in lieu of parkland in a variety of cases, including where the land is too small and would not provide adequate room to meet the City's parkland needs, or where the amount of parkland would render the remainder of the site impractical for development, or where the area is already served by parkland. As the subject site is already situated in close proximity to Midland Park, which already contains various amenities including pathways, seating and playground equipment, the site was better utilized for housing and commercial services. The provision of additional park space would have to be in alignment with the City's Parks & Recreation Master Plan, but as stated above, cash-in-lieu provides the City with the ability to also direct funds towards enhancing existing park space.

35) Question: Balconies, 7-metre-deep backyards, and buffer land with shrubs and bushes does not constitute parkland. Can't the developer put some of the parking underground and use the surface for park space? The townhouse backyards are not big enough for kids to play in.

Response: Given the City's current housing and affordability crisis, it is necessary to pursue higher density site design that makes the most of available land. Development of

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housing with large backyards is not conducive to lower housing costs and makes it more challenging to meet housing supply targets (Kingston is striving to meet the Province's expectation that 8,000 new housing units be built in the city by the end of 2032). Underground parking also greatly increases development costs, costs which are in turn downloaded to homebuyers, thereby making housing less affordable. Maximizing the use of available development sites not only keeps costs down but enables the City to provide services and amenities (such as parkland) more efficiently. This underscores the importance of existing parks in Kingston's neighbourhoods, and the role cash-in-lieu plays in facilitating and funding improvements.

### **Schooling**

36) Question: What school will students attend? Have the school boards been reached out to?

Response: Cataraqui Woods Elementary School is nearest the subject site, situated 800 metres away, or an approximately 10-minute walk. However, it is important to note that catchment areas differ by school board, and occasionally fall under review and can be subject to change. School boards are notified of new development approvals to inform their future growth planning.

### **Alternate Development Ideas**

37) Question: Can the city instead develop this property as an off-leash dog park?

Response: Planning and construction of new off-leash dog parks would have to occur in alignment with the City's Parks & Recreation Master Plan, which is currently undergoing an update. At this time, the lands are not identified as being suitable for parkland purposes and instead present a better opportunity for new infill housing and commercial uses in conformity with the Official Plan.

### **Tree Removal and Replacement**

38) Question: This development will require the removal of all trees and vegetation currently on-site. How does the City guarantee new plantings?

Response: While the development will result in the removal of the vegetation currently on-site, the developer proposes to re-plant 132 new trees across all three development sites. Despite the inability of Planning Services to control landscaping (due to recent changes to the Planning Act), the City's Forestry Department ensures the provision of replacement trees in accordance with the Tree By-Law. As both the apartment building and commercial corner are subject to Site Plan Control (which follows the re-zoning process, if approved), Forestry will review and approve planting plans identifying the location and species of new replacement trees. The townhouse site is not subject to Site Plan Control however, and so the Draft Plan of Subdivision conditions require the submission of a planting plan prior to approval of the Final Plan of Subdivision.

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### **Commercial Use at the Corner**

39) Question: The inclusion of auto repair is a concern. Such a use does not help the community. The commercial uses should be general commercial and retail, not vehicle service.

Response: The amendment has been modified to exclude the auto repair use.

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

The current proposal has been modified in two significant ways following the September 3, 2021 community meeting. Through discussions with Trans Northern Pipelines, it was determined that an additional 10 metre setback from the easement would be appropriate, leading the applicant to remove two townhomes from Block 2 of the proposed subdivision (which contained the units closest to the easement). The resulting space will constitute additional open landscaped area.

The second change was the removal of the Automobile Repair Shop use from the proposed commercial site. A large portion of the original commercial proposal was intended to accommodate this use, and so its removal not only minimizes potential compatibility concerns, but also ensures that the property can develop with commercial amenities that are more likely to be aligned with the needs of the surrounding community.

The site has been designed in a manner that is compatible with its surroundings, providing effective transitions in density along with a mix of uses that serves not just new on-site residents, but the needs of the broader community. Coupled with the above-mentioned alterations, the site hosts a thoughtfully integrated and supportable proposal.

### **Conclusion**

The proposed development at 1291 Midland Avenue of 32 townhomes, a 5-storey apartment building and commercial space makes good use of an under-utilized, fully serviced property within the City's Urban Boundary. Infill development containing a mix of uses at higher densities is supported by both the Provincial Policy Statement and the Kingston Official Plan, especially where those uses are in close proximity to public transit, local amenities, parkland, and commercial services. The subject site benefits from its location on an arterial road with ready access to some of the City's main commercial shopping areas. Such connections make active transportation a desirable choice for residents, which the site facilitates through the presence of 49 bike parking spaces (36 in total for the apartment and 13 in total for the commercial site).

The proposed zoning by-law amendment necessary to enable this development was supported by several studies submitted by qualified professionals. These studies were reviewed and accepted by City staff, recognizing that the detailed elements of site design will be carefully considered through a future Site Plan Control application. This proposal meets the intent of the Provincial Policy Statement, the Kingston Official Plan, and represents responsible planning for new growth. It is therefore recommended that the application be approved.

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**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, 2020

**Municipal**

City of Kingston Official Plan

Zoning By-Law Number 2022-62

**Notice Provisions:**

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to 95 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. In addition, a courtesy notice placed in The Kingston Whig-Standard on March 26, 2024.

If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

At the time of writing of this report, 17 pieces of written 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:**

None

**Financial Considerations:**

None

**Contacts:**

James Bar, Manager, Development Approvals, 613-546-4291 extension 3213

Chris Booth, Senior Planner, 613-546-4291 extension 3215

April 4, 2024

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**Other City of Kingston Staff Consulted:**

None

**Exhibits Attached:**

- Exhibit A Draft Zoning By-Law Amendment and Schedules
- Exhibit B Proposed Draft Plan of Subdivision Conditions
- Exhibit C Proposed Draft Plan of Subdivision
- Exhibit D Key Map
- Exhibit E Neighbourhood Context
- Exhibit F Consistency with the Provincial Policy Statement
- Exhibit G Official Plan, Land Use
- Exhibit H Conformity with the Official Plan
- Exhibit I Zoning By-Law Number 2022-62
- Exhibit J Site Photographs
- Exhibit K Public Notice Notification Map
- Exhibit L Public Comments
- Exhibit M Site and Concept Plan

**By-Law Number 2024-XX**

**A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Zone Change from ‘DR’ Zone to ‘URM1’ ‘URM2’ and ‘CA Zone’ and Introduction of Exception Numbers ‘E155’, ‘E156’, ‘E157’, (1291 Midland Ave).**

**Passed:** [Meeting Date]

**Whereas** the Council of The Corporation of the City of Kingston enacted By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (the “Kingston Zoning By-Law”);

**Whereas** the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-Law;

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

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
  - 1.1. Schedule 1 – Zoning Map is amended by changing the zone symbol from ‘DR’ to ‘URM1’, ‘URM2’, and ‘CA’, as shown on Schedule “A” attached to and forming part of this By-Law.
  - 1.2. Schedule E – Exception Overlay is amended to add Exception E155, D156, And E157, as shown on Schedule “B” attached to and forming part of this By-Law;
  - 1.3. By adding the following Exception Number E\_\_ in Section 21 – Exceptions, as follows:

“**E155.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

    - (a) The minimum **lot area** is 153 square metres per **dwelling unit**;
    - (b) The minimum **lot frontage** is 5.5 metres;
    - (c) The minimum **interior setback** is 1.1 metres;
    - (d) The maximum **lot coverage** is 55%;



- (e) The minimum **driveway** width is 2.7 metres;
- (f) The maximum number of **parking spaces** per **dwelling unit** is 2.0;
- (g) The maximum cumulative width of all **driveways** on a **lot** within the required **front setback** or **exterior setback** is 2.7 metres;
- (h) Eaves and gutters are permitted within 0.15 metres of a **lot line**;
- (i) The minimum **interior setback** for a **deck** or **porch** with a height no greater than 0.6 metres is 0.40 metres, except along a common party wall where it may be 0.0 metres if there is a common privacy **fence** a minimum of 1.5 metres tall; and
- (j) The minimum **separation distance** from a registered **right-of-way** for a **pipeline** is 0.2 metres for **driveways, drive aisles, parking spaces, parking lots**, retaining walls, light standards and utility poles.”

“**E156.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) The maximum **height** of an **apartment building** is 17.0 metres;
- (b) The maximum number of dwelling units is 49;
- (c) The minimum **front setback** is 3 metres;
- (d) The minimum **long-term bike space** requirement is 24 spaces, where all **long-term bike spaces** may be provided in a stacked configuration with a 1.5 metre access aisle;
- (e) The minimum number of larger **long-term bike spaces** is 0 spaces;
- (f) The minimum number of **long-term bike spaces** that must be provided in secure bike lockers is 0 spaces;
- (g) A **canopy** on the north side of an **apartment building** is permitted to project 0.85 metres into the required **setback**; and
- (h) The minimum **separation distance** from a registered **right-of-way** for a **pipeline** is 0.3 metres for **driveways, drive aisles, parking spaces, parking lots**, retaining walls, light standards and utility poles.”

“**E157.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) The minimum **landscaped open space** is 15%;
  - (b) Where a **parking lot** is adjacent to a sidewalk or **walkway**, a **planting strip** is not required between such **parking lot** and sidewalk or **walkway**;
  - (c) A **loading space** located in the **rear yard** or **interior yard** does not require **visual screening**;
  - (d) A **planting strip** is not required along the **interior lot line** that abuts a **residential use** or undeveloped land in an Urban Residential Zone and Urban Multi-Unit Residential Zone; and
  - (e) The minimum **separation distance** from a registered **right-of-way** for a **pipeline** is 0.3 metres for **driveways, drive aisles, parking spaces, parking lots**, retaining walls, light standards and utility poles.”
2. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

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**Janet Jaynes**  
**City Clerk**

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**Bryan Paterson**  
**Mayor**






Planning Services

**Schedule 'A'  
to By-Law Number**

Address: 1291 Midland Ave.  
File Number: D14-007-2021

**Kingston Zoning By-Law 2022-62  
Schedule 1 - Zoning Map**

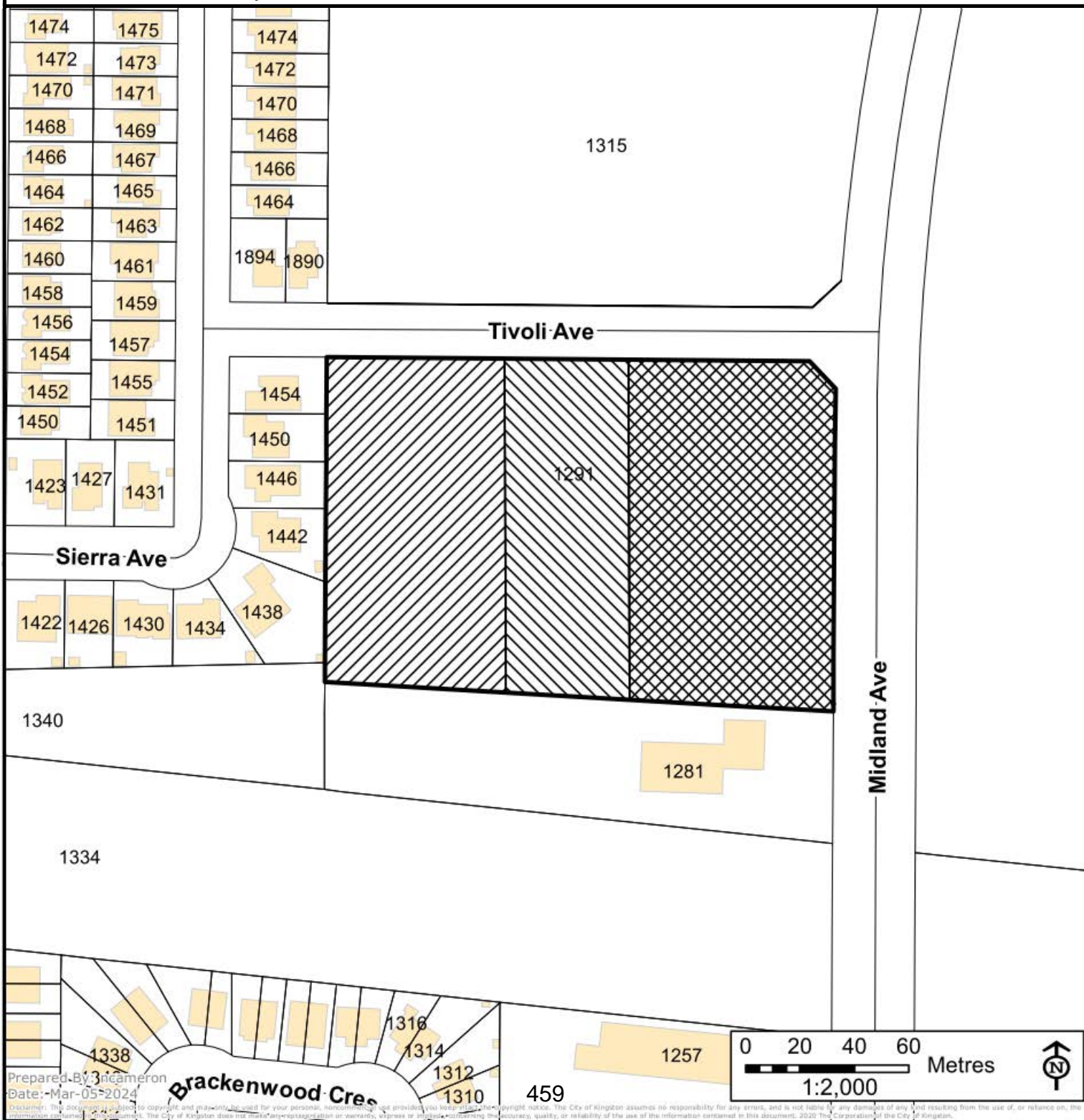
-  Lands to be Rezoned from DR to URM1
-  Lands to be Rezoned from DR to URM2
-  Lands to be Rezoned from DR to CA

**Certificate of Authentication**

This is Schedule 'A' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk





Kingston  
Planning  
Services

**Schedule 'B'  
to By-Law Number**

Address: 1291 Midland Ave  
File Number: D14-007-2021

**Kingston Zoning By-Law 2022-62  
Schedule E - Exception Overlay**

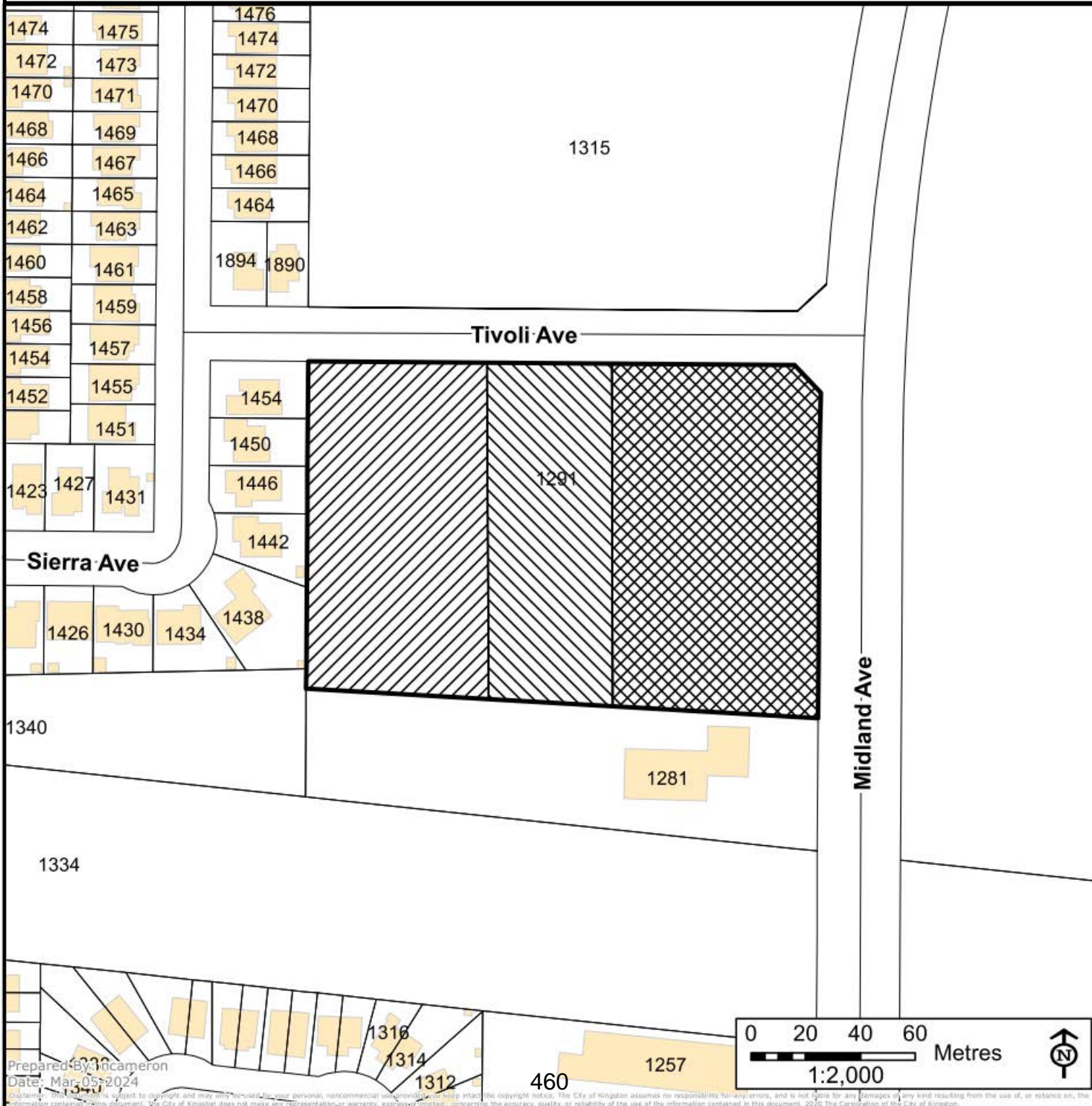
- Lands to be added as E155
- Lands to be added as E156
- Lands to be added as E157

**Certificate of Authentication**

This is Schedule 'B' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2024.

Mayor \_\_\_\_\_

Clerk \_\_\_\_\_



Standard Conditions Of Draft Plan Approval

**1. Approved Draft Plan:**

That this approval applies to the Draft Plan of Subdivision, prepared by Hopkins Chitty Land Surveyors Inc., dated February 26, 2024 which shows the following:

- Four residential blocks (Blocks 1-4); and
- One block for roadways, common elements, and a portion of the pipeline easement (Block 5).

**2. Streets and Civic Addressing:**

- That Prior to Final Approval**, the Owner shall submit proposed street names for approval by the Planning and Development Department and shall be included on the first submission of the engineering drawings. The Streets within this Plan shall be named to the satisfaction of the City, in consultation with the Planning and Development Department, in accordance with the City's Civic Addressing and Road Naming By-law.
- 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 and Development Department, 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.
- 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 and Development Department 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.
- That the Owner shall agree that the location and design of any **construction access** shall be approved by the Municipality and/or the appropriate authority.

**3. Reserves and Easements:**

- 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:**

- That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services but not limited to including fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.
- That Prior to Final Plan Approval**, the Owner shall submit for the Municipality'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 in the Municipality's standard format for incorporation into the 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 Municipality.
- (d) That the Owner agrees to reimburse the Municipality 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 Municipality's standard Subdivision Agreement which shall list all approved plans and municipal conditions as required by the Municipality for the development of this Plan.
- (b) The Subdivision Agreement between the Owner and the Municipality be registered against the 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.

**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 Municipality's Subdivision Design Guidelines and to the satisfaction of the Municipality. 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 Municipality's standard format for incorporation into the 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 Municipality.
- (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 Municipality.

**10. Zoning By-Law Compliance:**

- (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.

**10. Consent(s) to Sever:**

- (a) **That Prior to Final Plan Approval**, the Owner shall complete Consent Applications D10-010-2021 and D10-011-2021.

**11. Required Studies:**

- (a) **That Prior to Final Plan Approval**, the Owner shall submit a **Geotechnical Study**, certified by a Professional Engineer, to the satisfaction of the Municipality. The recommendations of the Geotechnical 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 Municipality.
- (b) **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 defined by the generic criteria listed within the Guideline for Use at Contaminated Sites in Ontario (MOE, rev. 1997). 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) or remediation. 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 Municipality.

Should site remediation be required to meet the applicable soil and ground water criteria set out in applicable guidelines, the Owner shall submit to the Municipality **Prior to Final Plan Approval**, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment.

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 Municipality, meet the applicable soil and ground water criteria.

- (c) **That Prior to Final Plan Approval** all recommendations of the Servicing 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 Municipality.
- (d) **That Prior to Final Plan Approval**, the Owner shall submit a **Traffic Impact Report**, prepared by a professional engineer to the satisfaction of the Municipality. The Subdivision Agreement shall contain provisions for the Owner to design, construct and financially secure the costs of any off site road improvements as are deemed necessary

by the Report's recommendations to the satisfaction of the Municipality's Director of Engineering.

- (e) **That Prior to Final Plan Approval, a Stormwater Management Report** and implementing plans for the development shall be prepared by a qualified Professional Engineer, to the satisfaction of the Municipality. Such plans shall be included in the Subdivision Agreement. The Owner shall carry out the recommendations of the report, at his expense, to the satisfaction of the Municipality.
- (f) **That Prior to Final Plan Approval**, the Owner shall submit a detailed **Noise Impact Study** prepared to the satisfaction of the Municipality and the Ministry of Environment. 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 Municipality.

## 12. Archaeological Assessment:

- (c) 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 Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism ([archaeology@ontario.ca](mailto:archaeology@ontario.ca)) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.
- (d) 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 Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism ([archaeology@ontario.ca](mailto:archaeology@ontario.ca)), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

## 13. Stormwater Management:

- (b) **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 Municipality and the Cataraqui Region Conservation Authority. The approved plans shall be included in the Subdivision Agreement between the Owner and Municipality.
- (c) **Prior to Final Plan Approval and Prior to any Works Commencing on the Site**, the Owner shall submit for approval by the Municipality, a detailed engineering report(s) that describes the storm drainage system for the proposed development, which shall include:
  - i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
  - ii) the location and description of all outlets and other facilities;
  - iii) storm water management techniques which may be required to control minor and major flows;



- iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
  - v) overall grading plans for the subject lands; and
  - vi) storm water management practices to be used to treat storm water, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat.
- (d) That the Owner shall agree to maintain all storm water management and erosion and sedimentation control structures operating and in good repair during the construction period.

#### **14. Parkland Conveyance / Open Space / Environmental Protection Areas:**

- (a) That the Owner conveys up to 5% residential and up to 2% commercial of the land included in the Plan of Subdivision to the Municipality for functional park or other public recreational purposes. Where the subdivision exceeds 30 units per residential hectare of land, the Owner shall convey lands for recreational purposes at a rate of 1.2 hectares per 1,000 people, not to exceed 1 hectare per 300 Dwelling Units, up to a maximum of 10% of the Gross Land Area. Alternatively, the Municipality may require cash-in-lieu for all or a portion of the conveyance.

#### **15. 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 Municipality for a Tree Preservation plan prepared for the subject lands. The final approved tree inventory plan shall be prepared by an ISA Certified Arborist, 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 6 inches (150 mm) or more in diameter are to be removed from the subject lands, the developer will abide by the conditions of the tree removal permit under the Tree By-Law 2018-05 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 Municipality. This plan shall be reviewed and approved by the Municipality 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 Municipality.
- (b) **That Prior to Final Plan Approval**, the Owner shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the Municipality.

**16. 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.

**17. Bell Canada Requirements:**

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

- i. 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,
- ii. 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 Municipality, or if no such conditions are imposed, the Owner shall advise the Municipality of the arrangements for servicing.
- iii. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer 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 Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality 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 (ie., 911 Emergency Services).

**18. Trans-Northern Pipelines Requirements:**

- (a) The Owner acknowledges that Trans-Northern Pipelines Inc. has an existing registered right-of-way over a portion of the Owner's Lands. The Owner shall comply with the Canadian Energy Regulator Act, S.C. 2019, c.28, s. 10 and its regulations, and shall obtain all required approvals and permits by contacting Trans-Northern Pipelines Inc. prior to the commencement of any activity within the prescribed area.

**16. Enbridge Gas Requirements:**

- (a) That as a condition of final approval, the Owner/Developer provide to Enbridge the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge.

**19. Hydro One Requirements:**

- (a) **That Prior to Final Plan Approval**, the Owner/Subdivider shall submit to Hydro One the lot grading and drainage plan, showing existing and final grades, for review and approval. Drainage must be controlled and directed away from the Hydro One corridor.
- (b) That the following **Warning Clauses/Notices** as required by Hydro One shall be included in the Subdivision Agreement:  
"The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 186-Proximity-of the Regulations for Construction projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20feet) to an energized 500 kV conductor. The distance for 230kV is 4.5 metres (15 feet), and for 115 kV conductors is 3 metres (10 feet). It is the Owner'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. "
- (c) That temporary fencing must be installed along the edge of the right-of-way prior to the start of construction, at the Owner's expense.
- (d) That permanent fencing must be installed after construction is completed along the Hydro One corridor, at the Owner's expense.
- (e) That the Hydro One corridor is not to be used without the express written permission of Hydro One Networks Inc. During construction, there shall be no storage of materials or mounding of earth or other debris on the right-of-way. The Owner shall be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision.
- (f) The costs of any relocations or revisions to Hydro One facilities that are necessary to accommodate this subdivision shall be borne by the Owner.

## 20. Utilities Requirements:

- (a) **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 electric distribution services, gas distribution services, 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 buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Utilities Kingston and the Municipality.

## 21. 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:
  - “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.”
  - “Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet Municipality of Kingston lot grading criteria in certain areas to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions.”
  - “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.”
  - “Purchasers and/or tenants are advised that Ownership includes a share in a Common Elements Condominium which shall own the private roads.”
  - “Purchasers and/or tenants are advised that the roads and pathways within the development are privately owned by the Condominium Corporation and will not be assumed by the Municipality. There will be no municipal snowplowing or maintenance of any kind.”
- (d) abutting a transit route:
  - “Purchasers and/or tenants are advised that the following streets are used as transit routes: Midland Avenue and Tivoli Avenue.

## 22. 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 Municipality, setting

out the conditions, and shall fulfill all relevant conditions of that Agreement prior to issuance of a building permit.

### 23. 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 the Owner shall pay any and all outstanding application fees to the Planning and Development Department, in accordance with the Municipality's Tariff of Fees By-Law.
- (c) That when requesting Final Approval from the Municipality, 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 to the requirements of the Zoning By-Law.
- (d) 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.
- (e) 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 municipality.
- (f) **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.
- (g) 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 Municipality.
- (h) The Owner shall agree that no building permits, with the exception of model homes, will be applied for until the Municipality is satisfied that adequate access, municipal water, sanitary and storm services are available.

### 24. Clearance Letters:

- (a) **That Prior to Final Plan Approval**, the approval authority shall advise that all Conditions of Draft Plan Approval have been satisfied; the clearance memorandum shall include a brief statement detailing how each Condition has been met.
- (b) **That Prior to Final Plan Approval**, the City is to be advised in writing by Canada Post the method by which Condition 16 has been satisfied.
- (c) **That Prior to Final Plan Approval**, the Municipality is to be advised in writing by Ontario Hydro the method by which Condition 19 has been satisfied.

- (d) **That Prior to Final Plan Approval**, the Owner shall provide written confirmation from Trans-Northern Pipelines Inc. that all required permits and approvals have been obtained.

**25. 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.

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**Notes To Draft Plan Approval:**

1. It is the Applicant'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 Planning and Development Department of the City of Kingston.
2. **Prior to Final Plan Approval**, the Applicant shall submit to the Municipality 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 Planning and Development Department and be accompanied with:
  - Eight (8) 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 Municipality; 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 an electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent'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 electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "**DANGER – Overhead Electrical Wires**" in all locations where personnel and construction vehicles might come in close proximity to the conductors.
6. The Final Plan approved by the Municipality must be registered within thirty (30) days or the Municipality may, under Subsection 51(59) of the *Planning Act*, withdraw its approval.



**SURVEYOR'S CERTIFICATE:**  
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE CORRECTLY SHOWN.

FEBRUARY 26, 2024

LESLIE M. HODGSON  
ONTARIO LAND SURVEYOR

**OWNER'S CERTIFICATE:**  
WE AUTHORIZE HOPKINS CHITTY LAND SURVEYORS INC. TO PREPARE THIS DRAFT PLAN OF SUBDIVISION.

DATE \_\_\_\_\_  
NEW EMPIRE DESIGN BUILD  
FRANK CASAMATTA (PRESIDENT)  
I HAVE AUTHORITY TO BIND THE CORPORATION



DRAFT PLAN OF SUBDIVISION  
OF PART OF LOT 9  
CONCESSION 3  
CITY OF KINGSTON  
(GEOGRAPHIC TOWNSHIP OF KINGSTON)  
COUNTY OF FRONTENAC  
SCALE: 1 : 400



**METRIC**  
DISTANCES & COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

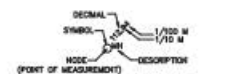
HOPKINS CHITTY LAND SURVEYORS INC.  
2024

**NOTE & LEGEND:**

BEARINGS SHOWN HEREON ARE GRID BEARINGS DERIVED FROM GPS OBSERVATIONS USING REAL TIME NETWORK (RTN) BASE AND ROVER BASELINES AND ARE RELATED TO UTM ZONE 18, (19° WEST LONGITUDE) MADS (CGRS) (CGD018).

COMPARISONS SHOWN IN BRACKETS ARE TO ASTROMETRIC BEARINGS  
ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES.  
GRID DISTANCES CAN BE CALCULATED BY MULTIPLYING THE GROUND DISTANCES SHOWN ON THE PLAN BY THE COMBINED SCALE FACTOR OF 0.999707947.

SYMBOL	DEFINITION
P1	PLAN 13R-17805
P2	PLAN 13R-817
P3	PLAN 13R-16307
G	GROUND
TS	TOP OF SLOPE
BS	BOTTOM OF SLOPE
EP	EDGE OF PAVEMENT
EG	EDGE OF GRAVEL
P	PAVEMENT
SW	SIDEWALK
CC	CURB & GUTTER
TC	TOP OF CONCRETE
C	CONCRETE
R	ROCK
CL	CONCRETE LINE
IN	INVERT
TC	TOP OF CURB/TOP
FI	FIRE HYDRANT
B	BEARING
WV	WATER VALVE
W	WATER
FP	FENCE POST
WF	WIRE FENCE
CF	CHAIN LINK FENCE
BF	BOARD FENCE
HP	HYDRO POLE
HTL	HORIZONTAL TRANSMISSION LINE
AN	ANCHOR
LP	LIGHT POLE
MB	MILL BOX
WH	WATERHOLE
CB	CATCH BASIN
DB	DITCH MEET CATCH BASIN
ET	EDGE OF TREES
T	TREE
CF	THICK CONIFEROUS
D	DIAMETER
UG	UNDERGROUND GAS
TP	TRANS-NORTHERN PIPELINE
U	UTILITY



ADDITIONAL INFORMATION UNDER THE PLANNING ACT SECTION 51.7 (A-1) OF THE PLANNING ACT.

- A) SEE PLAN
- B) SEE PLAN
- C) SEE PLAN
- D) RESIDENTIAL
- E) SEE PLAN
- F) SEE PLAN
- G) SEE PLAN
- H) EXTENSION OF EXISTING WATER SYSTEM
- I) CLAY LINED COVER AND FILL
- J) SEE PLAN
- K) HYDRA. NATURAL GAS SERVICE, WATER, SANITARY SEWER FACILITIES WILL BE INSTALLED
- L) FIRE PROTECTION, BUS SERVICE, GARBAGE PICKUP AND POLICE PROTECTION ARE AVAILABLE.
- M) SEE PLAN

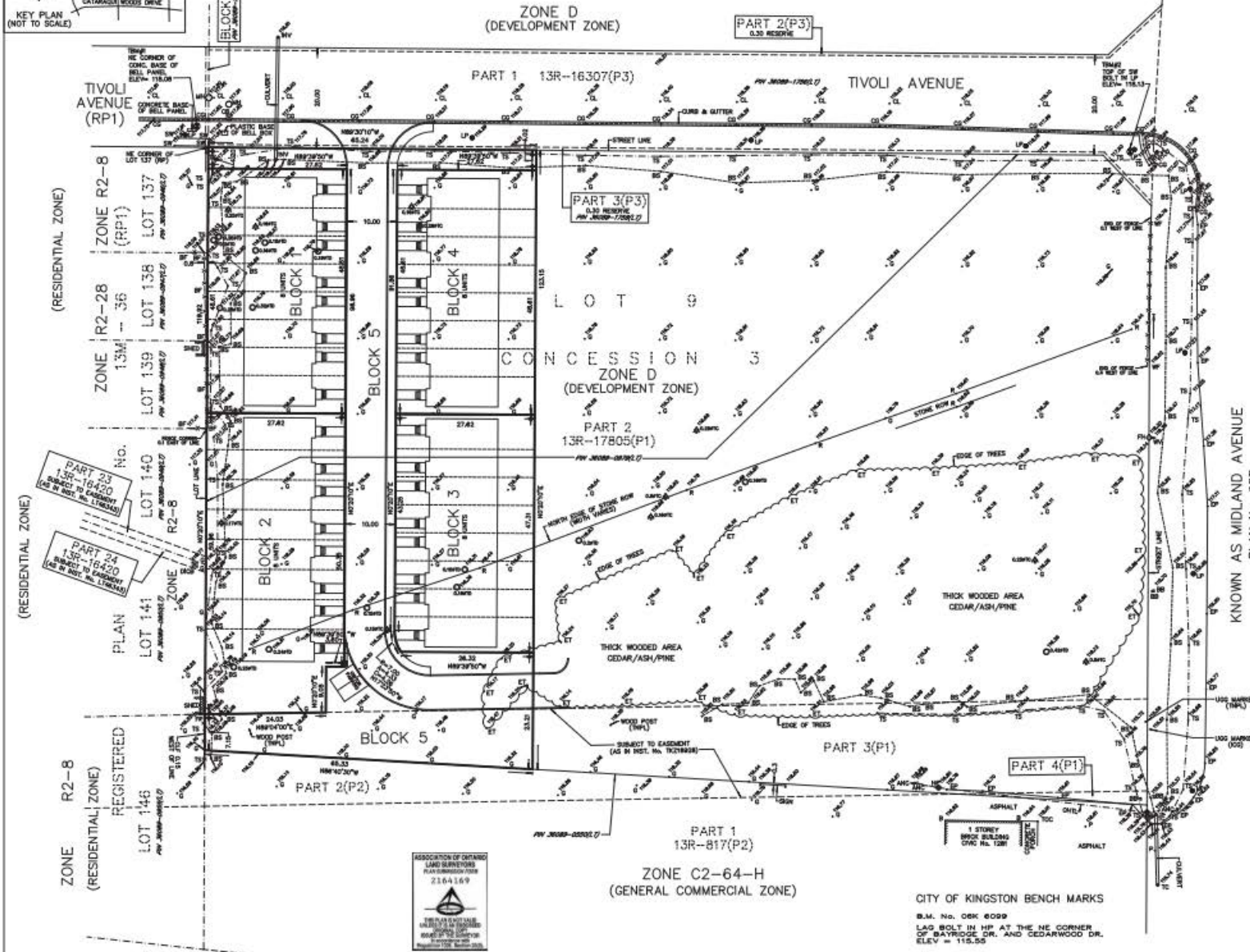
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HOPKINS CHITTY LAND SURVEYORS INC.  
LESLIE M. HODGSON O.L.S. 2024

DATED FEBRUARY 26, 2024

HOPKINS CHITTY LAND SURVEYORS INC.  
1224 GARDENERS ROAD, SUITE 102  
KINGSTON, ONTARIO, K7M 5G2  
(613) 389-7988 (fax) 389-3913 www.hopkchitty.com

FILE: K1N 3-9 2021-0095GND SUB DRAFTPLAN



CITY OF KINGSTON BENCH MARKS  
B.M. No. COK 6009  
L&O BOLT IN HP AT THE NE CORNER  
OF BAYBROOKE DR. AND CEDARWOOD DR.  
ELEV = 115.55

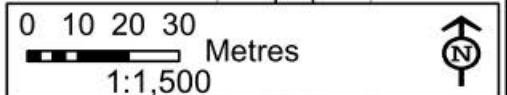
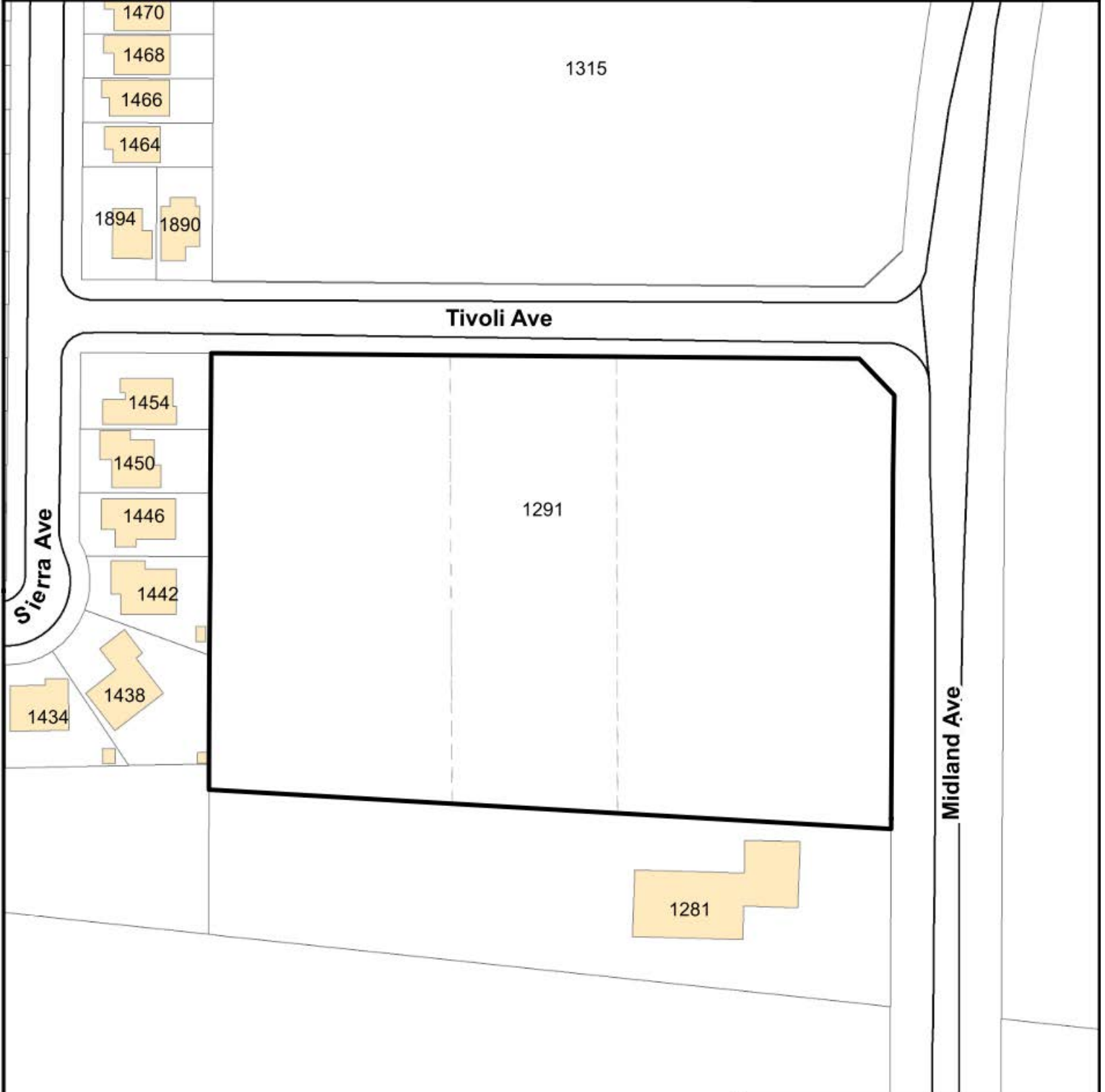
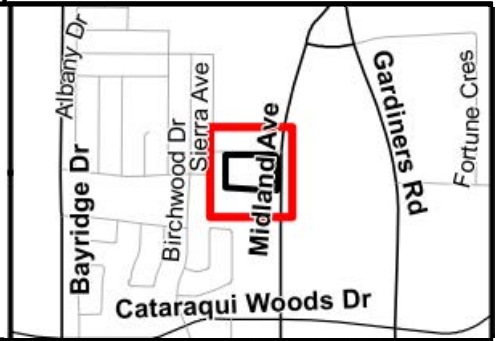




# Planning Committee Key Map

Address: 1291 Midland Ave.  
File Number: D14-007-2021 and D12-003-2021  
Prepared On: Feb-12-2024

Subject Lands

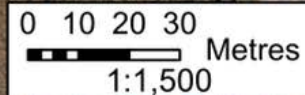
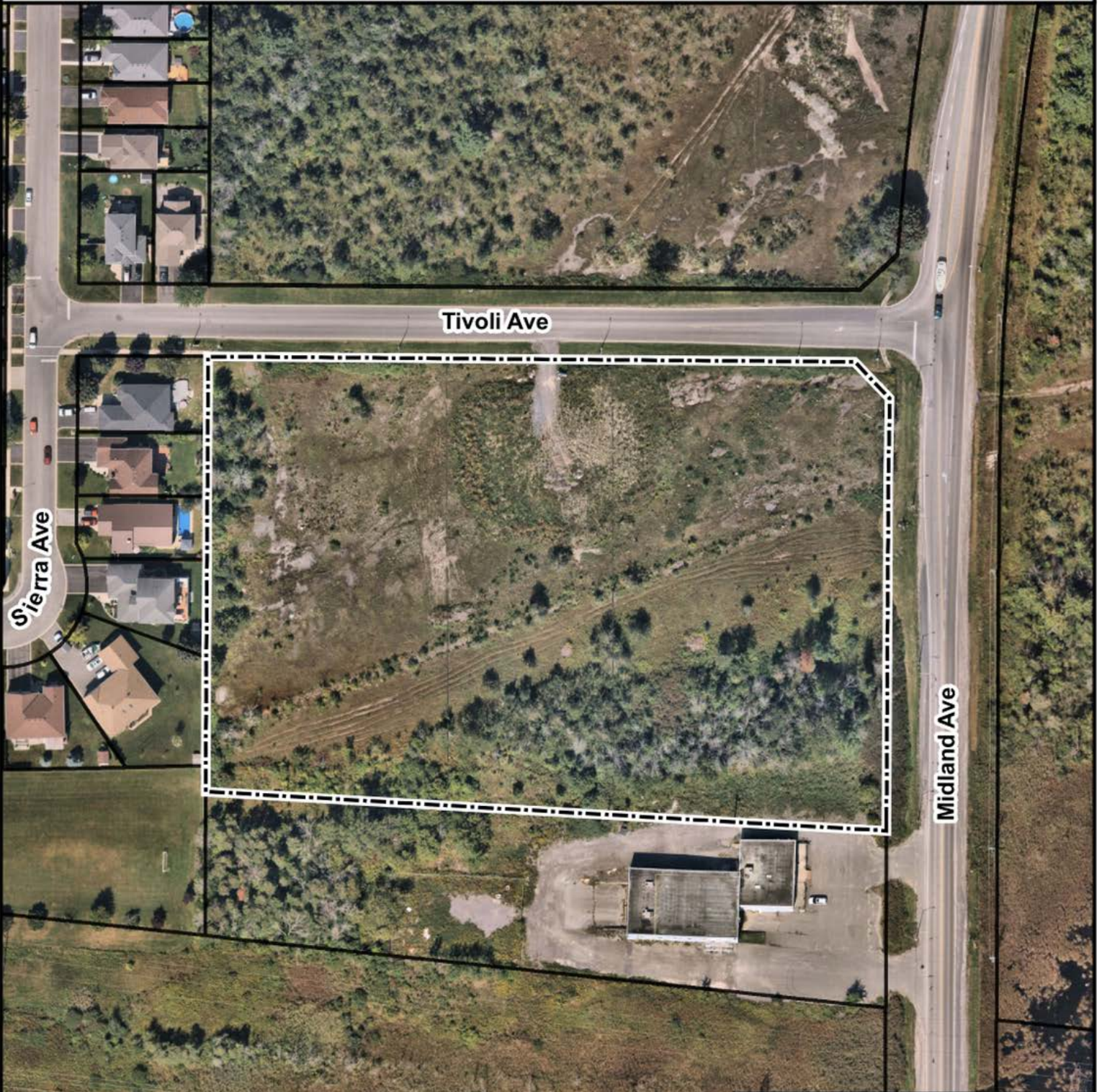




# Planning Committee Neighbourhood Context

Address: 1291 Midland Ave.  
File Number: D14-007-2021 and D12-003-2021  
Prepared On: Feb-12-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



**Demonstration of How the Proposal is Consistent with the Provincial Policy Statement**

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
1.1.1	<p>Healthy, livable and safe communities are sustained by:</p> <ul style="list-style-type: none"> <li>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</li> <li>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, 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;</li> <li>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</li> <li>d) avoiding development and land use patterns</li> </ul>	<p>Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p>	<p>The proposal represents an efficient development pattern in the form of a subdivision with medium-density residential and commercial uses within the City’s urban boundary. The subdivision application proposes development of an underutilized site within the urban boundary on fully serviced lands. The proposed subdivision will provide 81 homes and 10 commercial units. Included in the development are 32 townhouses, a 5-storey apartment with 49 residential units (both one and two bedrooms), and a commercial plaza. The proposed land use is not expected to result in any environmental or health and safety concerns. The subject property is located centrally with the City’s Urban Boundary and will not impact future expansion of the settlement area. The proposed development represents the infill of underutilized lands within the settlement area. The provisions of new residential and commercial uses adjacent to like existing uses efficiently utilizes existing services and</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate.</p>		<p>infrastructure and minimizes land consumption.</p> <p>The proposed redevelopment will comply with the standards of the Accessibility for Ontarians with Disabilities Act (AODA). The development will include commercial uses and pedestrian walkways, and is adjacent to transit; this is a development pattern that is supportive of both transit and active transportation.</p> <p>The development will make efficient use of existing available municipal water and sanitary servicing. Through the proposed compact residential and commercial intensification on a site with access to existing below grade infrastructure, roads and public transit, the subdivision will assist the City in lessening the impacts of a changing climate.</p>

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
1.1.3.1.	Settlement areas shall be the focus of growth and development.	Settlement Areas	The property is located on full municipal services within the City's urban boundary.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> <li>a) efficiently use land and resources;</li> <li>b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</li> <li>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</li> <li>d) prepare for the impacts of a changing climate;</li> <li>e) support active transportation;</li> <li>f) are transit-supportive, where transit is planned, exists or may be development; and</li> <li>g) are freight-supportive.</li> </ul> <p>Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p>	Settlement Areas	<p>The intensification of the large and underutilized lot in the urban boundary represents a more efficient use of land. Through submission materials the application has demonstrated the development can utilize existing municipal infrastructure without requiring expansion. Intensification within this existing built-up area and in proximity to an arterial road will minimize negative impacts to climate change, and adequate stormwater management practices will be implemented to prepare for the impacts of a changing climate on the site. The proposed development will be transit and active transportation supportive. All of these key elements of the proposed development work together to contribute to greater energy efficiency, minimizing negative impacts to air quality and climate change.</p>
1.1.3.3	Planning authorities shall identify appropriate	Settlement Areas	The introduction of 81 new homes and 10 commercial

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
	locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stocks or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.		units will result in additional density on a lot sandwiched between an existing residential and commercial corridor. The site is sufficiently serviced to accommodate the intensification.
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.	Settlement Areas	The proposal provides additional density on the site while ensuring sufficient functional needs of occupants are met in accordance with municipal standards.
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.	Settlement Areas	Minimum densities are established in the Kingston Official Plan and have been met by the development.
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area	Settlement Areas	The subject lands are located within a built-up residential and commercial area and adjacent to an

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
	and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.		arterial road which is built up with a variety of uses. The proposed lots can be serviced by existing infrastructure.
1.2.6.1	Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.	Land Use Compatibility	The TNPI lands are considered major infrastructure under with appropriate setbacks established through the Kingston Zoning By-law through consultation with the pipeline operators. Future development must meet all permitting requirements from the pipeline operators.
1.3.1	<p>Planning authorities shall promote economic development and competitiveness by:</p> <ul style="list-style-type: none"> <li>a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;</li> <li>b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of</li> </ul>	Employment	The proposed subdivision incorporates commercial uses that will generate additional employment opportunities and economic activity to foster a compact, vibrant and diverse neighbourhood.

Policy Number	Policy	Category	Consistency with the Policy
	<p>existing and future businesses;</p> <p>c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</p> <p>d) encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities, with consideration of housing policy 1.4; and</p> <p>e) ensuring the necessary infrastructure is provided to support current and projected needs.</p>		
1.4.3	<p>Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:</p> <p>b) permitting and facilitating: 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents,</p>	Housing	<p>The proposed development represents an appropriate range, mix and density of housing options, unit types and tenures in a compact form.</p> <p>As noted above, these housing units will be serviced by appropriate levels of infrastructure and facilities to support the intended population.</p> <p>The proposal represents an efficient use of the vacant property which is supported by an arterial road, pedestrian connectivity</p>



Policy Number	Policy	Category	Consistency with the Policy
	<p>including special needs requirements, and needs arising from demographic changes and employment opportunities; and 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3</p> <p>c) 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 projected needs;</p> <p>d) 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;</p> <p>e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.</p>		<p>through the residential neighbourhood, and transit access.</p>

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
1.5.1	<p>Healthy, active communities should be promoted by:</p> <ul style="list-style-type: none"> <li>a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;</li> <li>b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;</li> <li>c) providing opportunities for public access to shorelines;</li> </ul>	Public Spaces, Recreation, Parks, Trails and Open Space	While the road network and sidewalks within the subdivision is proposed to be private as part of the condominium, they will be publicly accessible and will enhance community connectivity. Amenities and commercial uses within the subdivision will provide opportunities for social interaction. The subject site is located within walking distance to both the Midland and Birchwood parks.
1.6.3	<p>Before consideration is given to developing new infrastructure and public service facilities:</p> <ul style="list-style-type: none"> <li>a) the use of existing infrastructure and public service facilities should be optimized; and</li> <li>b) opportunities for adaptive re-use should be considered, wherever feasible.</li> </ul>	Infrastructure and Public Service Facilities	The proposed development will be serviced by existing infrastructure and public services.
1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the	Sewage, Water, and Stormwater	A servicing report was prepared by qualified person as part of the submission and confirms that the proposal can be adequately serviced by the existing

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
	<p>environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</p>		<p>watermains on Tivoli Avenue and Midland Avenue, and the sanitary sewer on Tivoli Avenue without any need to expand municipal services.</p>
<p>1.6.6.7</p>	<p>Planning for stormwater management shall: a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible, and financially viable over the long term;  a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;  b) minimize, or, where possible, prevent increases in contaminant loads;  c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</p>	<p>Sewage, Water, and Stormwater</p>	<p>A stormwater management report was completed by a qualified person in support of the application and provides confirmation that the proposal can adequately manage stormwater in accordance with city requirements. No upgrades to municipal stormwater infrastructure are required to support the development. Securement of detailed design related to stormwater management will be undertaken at the site plan control and final plan of subdivision stage.</p>

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
	<ul style="list-style-type: none"> <li>d) mitigate risks to human health, safety, property, and the environment;</li> <li>e) maximize the extent and function of vegetative and pervious surfaces;</li> <li>f) promote stormwater management best practice, including stormwater attenuation and re-use, water conservation, and low impact development.</li> </ul>		
1.6.7.4	<p>Land use patterns, densities and mixes of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.</p>	Transportation Systems	<p>The introduction of a medium-density residential and commercial development within the existing built-up area will provide additional users for transit services.</p>
1.7.1	<p>Long-term economic prosperity should be supported by:</p> <ul style="list-style-type: none"> <li>a) promoting opportunities for economic development and community investment-readiness;</li> <li>b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;</li> <li>c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;</li> </ul>	Long term Economic Prosperity	<p>The proposal provides a variety of new housing types that will serve to add to the existing housing stock. As this is a vacant site, the proposal will not impact the long-term availability of land, resources or infrastructure in the City.</p> <p>The proposal will allow for the mature built out of this vacant site in a manner that is compatible with the surrounding area.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<ul style="list-style-type: none"> <li>d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;</li> <li>e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;</li> <li>f) promoting the redevelopment of brownfield sites;</li> <li>g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;</li> <li>h) providing opportunities for sustainable tourism development;</li> <li>i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network;</li> </ul>		

<b>Policy Number</b>	<b>Policy</b>	<b>Category</b>	<b>Consistency with the Policy</b>
	<ul style="list-style-type: none"> <li>j) promoting energy conservation and providing opportunities for increased energy supply;</li> <li>k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and</li> <li>l) encouraging efficient and coordinated communications and telecommunications infrastructure.</li> </ul>		
1.8.1	<p>Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:</p> <ul style="list-style-type: none"> <li>a) promote compact form and a structure of nodes and corridors;</li> <li>b) promote the use of active transportation and transit in and between residential employment (including commercial and industrial) and institutional uses and other areas;</li> <li>e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and</li> </ul>	Energy Conservation, Air Quality, and Climate Change	<p>The proposed residential and commercial uses are an efficient and compact use of the lands while maintaining compatibility with surrounding uses. As previously noted, sidewalks will be provided within the new subdivision and the subject lands are located along a transit line that runs along Tivoli and Midland avenues. The development includes sufficient landscaped open space.</p>

Policy Number	Policy	Category	Consistency with the Policy
	decrease transportation congestion; f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and g) maximize vegetation with settlement areas, where feasible.		







Planning Services

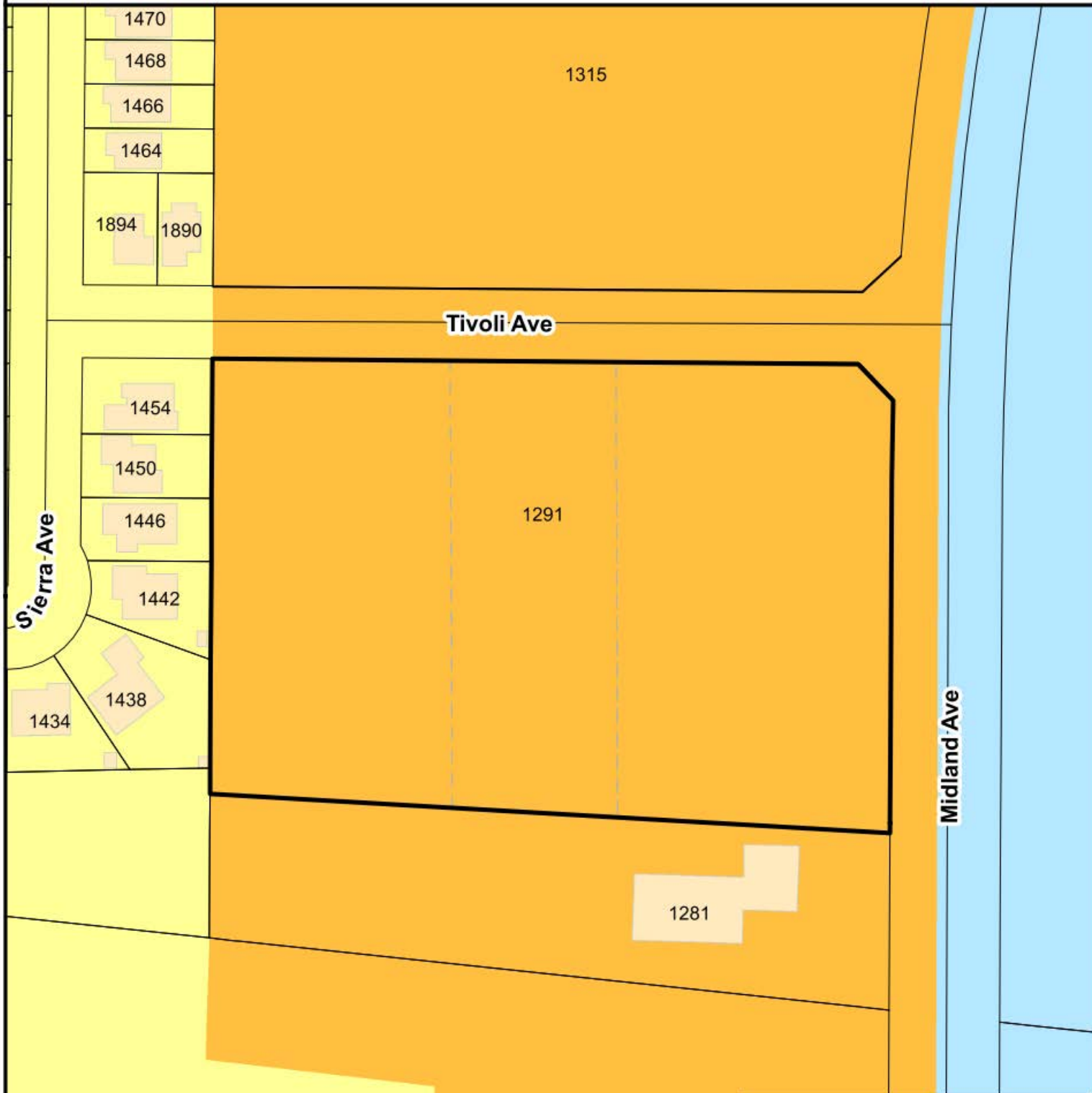
Planning Committee  
Official Plan, Existing Land Use

Address: 1291 Midland Ave.

File Number: D14-007-2021 and D12-003-2021

Prepared On: Feb-12-2024

-  Subject Lands
-  ARTERIAL COMMERCIAL
-  GENERAL INDUSTRIAL
-  RESIDENTIAL



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**Demonstration of Conformity to the Official Plan**

<b>Policy</b>	<b>Category</b>	<b>Review</b>
<p><b>2.1.1.</b> Most growth will occur within the Urban Boundary, shown on Schedule 2, where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> <li>a. appropriate (minimum) densities;</li> <li>b. land use patterns that foster transit and active transportation;</li> <li>c. enhanced access to public amenities and spaces for all residents, visitors and workers;</li> <li>d. opportunities for sharing resources such as parking, utilities, and the land base for locally grown produce, in the form of urban agriculture, as well as educational, recreational or cultural assets;</li> <li>e. direction of new development and key land uses to areas where they can best result in sustainable practices;</li> <li>g. maximized use of investments in infrastructure and public amenities;</li> <li>h. strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use;</li> </ul>	<p>Urban Areas - Focus of Growth</p>	<p>The introduction of this three-part development consisting of a commercial plaza, a 5-storey apartment and a 32-townhouse block represents appropriate infill development in relation to its context and strategic policy direction in the Official Plan regarding growth management. The lands are located within the City’s defined urban boundary where additional density is needed and desirable. The application proposes medium density residential developments in a location that meets the criteria of the Official Plan and will increase the overall urban density as a result.</p> <p>The subject lands are located adjacent to existing transit stops along Tivoli Avenue and within 30 metres of a transit stop along Midland Avenue. There is an established network of sidewalks in the residential area directly west of this site. New sidewalks will be provided along these streets, throughout the development and including a sidewalk connection to Birchwood Park. These will serve to enhance existing active transportation network.</p> <p>The subject property is on full municipal services and is in proximity to public amenities including schools, parks and community facilities. The property is adjacent to Birchwood Park and is walking distance to Midland Park and the Invista Centre.</p> <p>The redevelopment of these underutilized lands from a vacant lot</p>

Policy	Category	Review
<p>i. climate positive development;</p> <p>j. encouraging a mix of land uses that provide for employment, education, personal service and convenience retail in close proximity to residential land uses, subject to compatibility matters as outlined in Section 2.7; and,</p>		<p>to a mixed residential and commercial development will contribute to this neighbourhood in a compatible manner.</p> <p>The proposed mixed uses to creates opportunities for employment, housing and commercial needs to co-locate within the proposed subdivision in a manner that achieves the criteria of land use compatibility as defined in the Official Plan.</p>
<p><b>2.1.4</b> In reviewing development applications, the City will promote sustainability through:</p> <p>a. encouragement of green building design to reduce greenhouse gases by adopting:</p> <ul style="list-style-type: none"> <li>• energy efficient construction;</li> <li>• renewable sources of energy for lighting and heating;</li> <li>• natural lighting;</li> <li>• design that reduces water consumption;</li> <li>• design which minimizes discharge into the sanitary sewers; and</li> <li>• design which reduces or eliminates discharge into the storm sewers through incorporating stormwater management practices including low impact design</li> </ul>	<p>Development Review</p>	<p>a. As detailed in the Stormwater Management Report, the site has been designed to control post-development run-off to pre-development levels through controlled release and on-site storage. On the apartment building and commercial plaza, controlled roof drains and rooftop storage will control post development runoff. The flows from the roofs will be released into the underground storm chamber system. From there, flows will be controlled such that they do not exceed the allowable release rates into the City storm water system.</p> <p>b. and c. The proposal includes landscaped open space areas and including private yard, amenity spaces, planting strips, landscaped islands and streetscape enhancements. Landscape plans indicate that 87 new trees will be planted over the subject lands. This approach will enhance the streetscape, moderate the immediate environment, and balance and break up the paved areas.</p>

Policy	Category	Review
<p style="text-align: center;">and stormwater re-use.</p> <ul style="list-style-type: none"> <li>b. design, landscaping, and streetscaping practices that promote protection from undesirable sun, wind, or other conditions and reduces the negative effects of urban summer heat;</li> <li>c. design, landscaping, and streetscaping practices that reduce the quantity of impermeable surfaces;</li> <li>f. design which promotes a reduction of automobile trips, active transportation and transit, including secured public access to bicycle storage and parking;</li> <li>g. the creation of a mix of uses that support increased access to healthy foods;</li> <li>i. design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term;</li> <li>k. development that suits the demographic and/or socio-economic needs of the community.</li> </ul>		<ul style="list-style-type: none"> <li>f. The proposal encourages a multi-modal approach to transportation through the provision of sidewalks and bike parking, and its location along a transit route and within walking distance to a range of commercial, industrial and open spaces uses.</li> <li>g. The property is in proximity to grocery stores and/or restaurants along Midland Avenue and Gardiners Road.</li> <li>i. The subject property is within the urban boundary and on full municipal services.</li> <li>k. The zoning by-law amendment and draft plan of subdivision allow for the development of 81 new homes and 10 commercial units in a location that is desirable for infill and intensification based on the policy direction in the Official Plan.</li> </ul>
<p><b>2.2.4.</b> The Urban Boundary shown by the dashed line on Schedule 2 has been</p>	<p>Urban Boundary</p>	<p>The property is within the City's defined urban boundary and are fully serviced. The application will</p>

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<p>established to recognize the substantially built up areas of the City where major sewer, water and transportation infrastructure has been planned. The land within the Urban Boundary will be the focus of growth and development in the City and contains sufficient land to accommodate the projected growth for a planning horizon of 2036. The Area Specific Phasing area within the Urban Boundary is subject to site-specific urban growth management policies. The Special Planning Area sites are also within the Urban Boundary and are now committed to a substantial land use but could accommodate future growth.</p>		<p>provide 81 new homes and 10 commercial units within an existing built-up area.</p>
<p><b>2.2.6</b> Business Districts are primarily intended to accommodate employment opportunities. These include General Industrial and Business Park Industrial designations, as well as the Waste Management Industrial designation and limited retail and service commercial uses that serve business activities. The Norman Rogers Airport is also recognized as being in a Business District under an Airport designation. Regional Commercial uses</p>	<p>Business Districts</p>	<p>The proposed mix of residential and commercial uses are permitted as per the Arterial Commercial designation as set out in Section 3.</p> <p>The proposal satisfies the standards for Business Districts in that the proposal:</p> <ul style="list-style-type: none"> <li>• was found to be compatible development (see Section 2.7);</li> <li>• provides a developed and cohesive streetwall with enhanced landscaping along the street edge (see Section 8);</li> <li>• demonstrates that proposal will not result in noise and odour impacts (see Section 2.7.3);</li> </ul>

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<p>and some specialized quasi-commercial uses will be limited to the permitted uses for the specific designations, as described in Section 3. Standards in Business Districts will be sufficiently flexible to allow a ready response to new types of employment uses provided that:</p> <ol style="list-style-type: none"> <li>a. areas of interface with sensitive uses are addressed so that compatible development is achieved and there is no adverse effect on the sensitive use or to the proposed employment use(s);</li> <li>b. an upgraded visual appearance is maintained at gateways as defined in Section 8.11, along major roads and the interface with any Centre, Corridor or Housing District shown on Schedule 2;</li> <li>c. uses which may involve noise or odour are sufficiently separated, buffered, or screened in accordance with the Ministry of the Environment and Climate Change Guidelines (D-1 and D-6) or any such further regulation implemented by the City, as applicable;</li> <li>d. uses which generate large amounts of traffic</li> </ol>		<ul style="list-style-type: none"> <li>• can be accommodated within the existing road network (see Section 3.3.E.6).</li> </ul>

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<p>or have intensive on-site operations are located in areas that are able to accommodate, or can be improved to accommodate, such activity levels without adverse effects on the planned transportation system, the nearby Housing Districts, Centres or Corridors;</p>		
<p><b>2.3.1.</b> The focus of the City's growth will be within the Urban Boundary, shown on Schedule 2, where adequate urban services exist, or can be more efficiently extended in an orderly and phased manner, as established by this Plan. Kingston's Water Master Plan and Sewer Master Plan will guide the implementation of the infrastructure planning.</p>	<p>Growth Focus</p>	<p>As noted, the property is within the City's defined urban boundary and is fully serviced. No expansion of water or sewer services are required to support the development.</p>
<p><b>2.3.2.</b> In 2013, residential density within the City's Urban Boundary was 25.7 units per net hectare. The City intends to increase the overall net residential and non-residential density within the Urban Boundary through compatible and complementary intensification, the development of underutilized properties and brownfield sites, and through the implementation of area specific policy directives tied to Secondary</p>	<p>Intensification</p>	<p>The proposal will provide 81 new homes on the subject lands (a vacant parcel) and will contribute to the residential density of the Urban Boundary. This represents a density of 43 units per net hectare on the town house parcel and 63 units per net hectare on the apartment parcel.</p>

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Planning Areas and Specific Policy Areas, as illustrated in Schedule 13.		
<b>2.3.11</b> In order to implement the Strategic Direction of the Kingston Transportation Master Plan, active transportation will be aggressively promoted with greater emphasis on pedestrians, cyclists and transit, and accessibility for all residents and visitors.	Transportation	The proposal will facilitate active transportation through its proximity to transit stops, new connections to and the expansion of municipal sidewalks, and the site's location within walking distance to community facilities, public parks and commercial uses. Residential and commercial bike parking will be provided.
<b>2.3.17.</b> The City supports the City of Kingston and County of Frontenac Municipal Housing Strategy (2011) and the City of Kingston 10-Year Municipal Housing and Homelessness Plan (2013) in order to increase affordable housing in the City, and for it to be located primarily within the Urban Boundary in accordance with the directions of the Municipal Housing Strategy Locational Analysis Study (2012).	Affordable Housing	The application does not propose affordable units as defined by the Plan. The proposal introduces additional residential units into a low-vacancy market.
<b>2.3.18</b> Through the prevention and removal of barriers for persons with disabilities, and the application of universal design principles, the City supports and promotes opportunities for all people to access the City and make contributions as citizens. The application of universal design principles in development and renovation is promoted.	Accessibility	The proposed development will be required to incorporate any applicable accessibility requirements of the Ontario Building Code. Accessible parking will be provided for the apartment and commercial plaza. These requirements do not apply to townhouses with parking spaces accessed directly by a driveway according to section 7.2.4 of the Kingston Zoning By-Law.

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The City also encourages owners of private properties with public access to do the same.		
<p><b>2.4.1</b> - The City supports sustainable 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:</p> <ul style="list-style-type: none"> <li>a. reduce infrastructure and public facility costs;</li> <li>b. reduce energy consumption and greenhouse gas emissions;</li> <li>c. support active transportation and viable public transit;</li> <li>d. conserve agriculture and natural resources within the City; and</li> <li>e. reduce reliance on private vehicles.</li> </ul>	Vision	The proposal optimizes the efficient use of the land as this infill development within the urban boundary, is on full municipal service and will provide a consolidated tax base on the lands. As presented, it will support the use of active transportation and public transit thus reducing reliance on private vehicles and related greenhouse gas emissions. No natural features will be impacted by this development.
<b>2.4.3.</b> It is the intent of this Plan to achieve an increase in the City’s net urban residential densities through promoting intensification and requiring minimum densities for residential development	Residential Density	The proposal will contribute to an increase the City’s net urban residential density and exceeds the minimum density established by the Plan.
<p><b>2.4.4.a.</b> New residential development and new secondary plans are subject to the following policies and minimum densities:</p> <ul style="list-style-type: none"> <li>b. for large-scale developments and greenfield areas, a minimum of 37.5</li> </ul>	Minimum Residential Density	At 43 dwelling units per net hectare on the townhouse parcel and 63 apartments per net hectare on the apartment parcel, the proposal satisfies the minimum density requirements for a large scale development.



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residential units per net hectare is established for new residential development in order to be transit supportive;		
<p><b>2.4.5.a</b> The City has established the following minimum targets for intensification to occur within the Urban Boundary.</p> <p>a. It is the intent of the City that 40 percent (%) of new residential development occur through intensification.</p>	Intensification Targets	The proposal represents intensification of the underdeveloped lands.
<p><b>2.4.6.a</b> Urban development within the City will proceed in a planned and orderly manner. The Order of Development will be as follows:</p> <p>a. 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;</p>	Order of Development	The subject property is a vacant site within the urban boundary with available servicing capacity and as such should be prioritized for development.
<p><b>2.5.8</b> Where intensification is encouraged, increased densities will only be approved when it has been determined by the City that servicing capacity exists or that capacity expansions are imminent to accommodate additional development.</p>	Servicing Capacity	A Servicing Report has been prepared by Josselyn Engineering Inc. in support of the proposal. Its confirms that there is adequate capacity within the existing municipal servicing infrastructure to accommodate the proposed subdivision.

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<p><b>2.5.10.</b> In order to foster sustainability within the City and reduce reliance on the automobile, the City will make efficient use of the existing infrastructure and provide the facilities and services to encourage active transportation and transit as priority modes before providing new road infrastructure in order to satisfy travel demand. While the automobile will continue to be the primary mode of transportation in the City, other, more active forms of transportation will be aggressively promoted to maximize existing road capacity and improve environmental conditions.</p>	<p>Strategic Direction to Promote Active Transportation</p>	<p>The proposal does not require new municipal road infrastructure and will employ transit and active transportation through the subject property's location in relation to existing transit routes, and a walkable location in relation to nearby parks, commercial uses and community facilities.</p>
<p><b>2.5.11.</b> The use of transit will be supported and encouraged through the development of mixed-use areas and mixed-use buildings, the development of Corridors and more intense mixed-use Centres, and through the increase of densities within newer areas, compatible uses and infill with complementary uses, and appropriate development of underutilized and brownfield sites.</p>	<p>Transit Priority</p>	<p>The proposal will support transit usage through appropriate development of an underutilized site in a compatible built form, adjacent to bus transit stops on Tivoli Avenue.</p>
<p><b>2.7.1.</b> Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.</p>	<p>Compatible Development and Land Use Change</p>	<p>The application demonstrates that the proposed development will be compatible with surrounding residential land uses, in terms of form and function. The built form is compatible with surrounding</p>

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		properties as detailed in this Exhibit, and the subject property can accommodate the townhouses and additional units as detailed below under Section 2.7.6.
<p><b>2.7.2.</b> The demonstration of compatible development and land use change must consider the potential for adverse effects and matters that have the potential to negatively impact the character, planned function and/or ecological integrity of an area, and the health and safety of humans. Where there exists a potential for negative impacts, a land use compatibility study, focused specifically on the identified land use compatibility matters, will be required.</p>	Compatible Development and Land Use Change	<p>The proposed development will be compatible with surrounding land uses as detailed under Section 2.7.3.</p> <p>A Planning Justification Report was submitted with the application, which speaks to land use compatibility and the potential for adverse effects in conformity with Section 2.7.2.</p>
<p><b>2.7.3.</b> The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <ul style="list-style-type: none"> <li>a. shadowing;</li> <li>b. loss of privacy due to intrusive overlook;</li> <li>c. increased levels of light pollution, noise, odour, dust or vibration;</li> <li>d. increased and uncomfortable wind speed;</li> <li>e. increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the</li> </ul>	Land Use Compatibility Measures	<p>The proposed lot pattern and low-to mid-rise build out is not expected to result in shadow impacts. Any shadow impacts from the apartment on the rear yards of the new townhouse lots will be limited and acceptable for an urban / suburban area of a city. Neither the townhouses nor the apartment building are expected to result in a loss of privacy due to intrusive overlook to adjacent residential uses. A 1.8 metre tall privacy fence will be provided between the townhouse and apartment block, and the apartment building has been centrally positioned on the existing parcel to limit both shadowing and overlook potential.</p> <p>A lighting plan has been submitted as part of the concurrent Site Plan</p>

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<p>functionality of active transportation or transit;</p> <p>f. environmental damage or degradation;</p> <p>g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;</p> <p>h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting;</p> <p>i. visual intrusion that disrupts the streetscape or buildings;</p> <p>j. degradation of cultural heritage resources;</p> <p>k. architectural incompatibility in terms of scale, style, massing and colour; or,</p> <p>l. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.</p>		<p>Control application to demonstrate compliance with the City's Site Plan Control by-law.</p> <p>A Noise Impact Study prepared by J.E. Coulter Associated Ltd. was submitted in support of the proposed development. The report identified noise control measures in the form of architectural and mechanical requirements for the new buildings in order to mitigate the impact of transportation noise from Tivoli Avenue and Midland Avenue, onsite stationary noise, the proposed automotive service station and off site rooftop mechanical systems on the comfort of future occupants. The proposed residential and commercial uses are not anticipated to increase levels of light pollution, noise, odour, dust, or vibration.</p> <p>The proposed buildings, at between one and 5 storeys (with a maximum height of 16.8m), are not anticipated to affect wind speed in the area.</p> <p>A Traffic Impact Study prepared by IBI Group was submitted in support of the original proposal. It concluded that traffic generated by the proposed development can be safely accommodated on the adjacent road network.</p> <p>No environmental impact is anticipated a result of this development. Investigation by Ecological Services determined that this area does not meet the threshold for wetland evaluation.</p> <p>As demonstrated by the submitted feasibility assessments, the</p>

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		<p>proposed development can be supported by existing service levels.</p> <p>The proposed development will not impact the ability of surrounding land uses to continue to function in an enjoyable and safe manner, and serve to provide new residential and commercial infill that is compatible with the surrounding area. The scale, height and massing of the zone provisions (with exception) serve to provide new built form that provides an appropriate transition between the Midland Avenue and the adjacent residential neighbourhood.</p>
<p><b>2.7.4.</b> Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:</p> <ul style="list-style-type: none"> <li>a. ensuring adequate setbacks and minimum yard requirements;</li> <li>b. establishing appropriate transition in building heights, coverage, and massing;</li> <li>c. requiring fencing, walls, or berming to create a visual screen;</li> <li>d. designing the building in a way that minimizes adverse effects; maintaining mature vegetation and/or additional new landscaping requirements;</li> <li>e. controlling access locations, driveways,</li> </ul>	<p>Mitigation Measures</p>	<p>As described in Section 2.7.3, the proposal demonstrates compatible new infill. Measures included in the proposal that serve to mitigate possible impacts include:</p> <ul style="list-style-type: none"> <li>• The placement and massing of the built form to provide an appropriate transition from the commercial street to the residential neighbourhood;</li> <li>• An efficient townhouse layout that uses rear yards as a separation between the existing residential lots to the west and the new apartment building.</li> <li>• The provision of a buffer between the new townhouses and the apartment building made up of a 1.8 metre tall privacy fence and a line of new trees.</li> <li>• New trees and enhanced landscaping along the street line and throughout the site including planting strips along the south property edge (as permitted), within the townhouse front yards, around</li> </ul>

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<p>service areas and activity areas; and,</p> <p>f. regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.</p> <p>Planning Act tools including zoning by-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.</p>		<p>the apartment building and breaking up parking areas.</p> <ul style="list-style-type: none"> <li>• Providing an interconnected internal road system to limit the number of entry point off municipal street and allow for an efficient use of lands.</li> <li>• Locating the parking areas in the rear yard to screen it from view and resulting in a continuous streetwall and pleasant pedestrian experience.</li> </ul>
<p><b>2.7.6.</b> Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p> <ul style="list-style-type: none"> <li>a. suitable scale, massing and density in relation to existing built fabric;</li> <li>b. appropriate landscaping that meets or improves the characteristic green space amenity of the</li> </ul>	<p>Land Use Compatibility Principles - Functional Needs</p>	<p>The proposed zoning performance standards have been prepared to be compatible with the surrounding neighbourhood. As described through this report, the proposed development will provide buildings of a scale, form and massing that is compatible with the surrounding area.</p> <p>The site will have an appropriate amount of landscaped open space including private yards, amenity spaces, and general landscaped areas around the buildings and adjacent to the streets.</p> <p>The property size is adequate for the proposed use and density; it satisfies the minimum density requirements for existing built-up residential areas as per Section 2.4.4.a.</p> <p>The subject lands are adequate to house the proposed build out and appropriately configured to provide</p>

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<p>site and surroundings and enhances the City’s tree planting program;</p> <p>c. adequate land area and appropriate site configuration or provision for land assembly, as required;</p> <p>d. efficient use of municipal services, including transit;</p> <p>e. appropriate infill of vacant or under-utilized land; and,</p> <p>f. clearly defined and safe: site access; pedestrian access to the building and parking spaces; amenity areas; building entry; and, parking and secure and appropriate bicycle facilities.</p>		<p>a desirable transition from Midland Avenue to the residential neighbourhood.</p> <p>As noted in this report, this proposal provides for the appropriate infill of this vacant and under-utilized property.</p> <p>The subdivision proposal provides a safe residential and commercial layout which includes an efficient road network, sidewalks and parking appropriate for the uses. Each townhouse lot will include an attached garage and driveway to accommodate on-site vehicle and bicycle parking. The apartment block also provides vehicular and bike parking. While the applicant is requesting relief related to bike parking for the apartment building, this application was originally submitted under the former zoning by-law that did not have bike parking provisions.</p> <p>Building entries are clearly legible and thoughtfully located. The blocks each satisfy the minimum landscaped open space and amenity area requirements of the zoning by-law.</p>
<p><b>2.8.5.</b> Stormwater runoff will be managed on site where feasible, and runoff may be required to be stored, treated and directed away from the natural heritage system. Its quantity will be required to be controlled to prevent impact on downstream areas. Stormwater connections are not permitted in areas where combined sewer</p>	<p>Stormwater Management</p>	<p>A Stormwater Management Report prepared by Josselyn Engineering Inc. was submitted in support of the proposed development. The strategy addresses the lands within three sub areas. In order to ensure that post-development run-off levels do not exceed pre-development levels, on site drainage will be managed through the pairing of controlled release and on-site storage as well as select areas of uncontrolled run off. Flows from the controlled roof drains and rooftop</p>

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<p>infrastructure exists in the City.</p>		<p>storage and much of the surface runoff will feed into an underground storm chamber system that manages the release of flows into the City’s stormwater lines. Runoff will be treated through the chamber system.</p>
<p><b>3.4.E.1</b> Permitted uses in the Arterial Commercial designation include a range of services that cater to the travelling public, uses that require large sites, or which require outdoor display such as vehicle sales lots or vehicle rental premises, hospitality uses, and automotive uses such as gas bars and service stations. Large floor-plate retail uses intended for a Regional Commercial designation are not included. Outdoor patio restaurants may be permitted in accordance with the policies of Section 3.4.G. Limited convenience commercial goods and services may also be permitted with the size and type of use regulated in the zoning by-law. Office uses are permitted as an accessory use only.</p>	<p>Arterial Commercial – Permitted Uses</p>	<p>The commercial portion of the property is to be zoned Arterial Commercial (CA) under Kingston Zoning By-Law 2022-62. The permitted uses of this zone align with this land use.</p>
<p><b>3.3.E.6</b> Any new Arterial Commercial development or expansion will be required to:</p> <ol style="list-style-type: none"> <li>a. locate on an arterial road;</li> <li>b. locate on a site that offers good ingress and egress characteristics</li> </ol>	<p>Criteria for Proposed Development</p>	<p>The subject lands front onto Midland Avenue – an arterial road. The Transportation Impact Study prepared in support of the proposal by IBI Group Inc. found that it:</p> <ul style="list-style-type: none"> <li>• met the site access requirements including consideration of sight distance,</li> </ul>



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<p>with the ability to allow clear vehicular access points that do not negatively impact arterial roads</p> <p>c. limit traffic infiltration on local roads in the surrounding area;</p> <p>d. be compatible with existing and proposed adjacent development and transportation networks;</p> <p>e. provide share driveway access between adjacent sites, where feasible;</p> <p>f. provide landscaped buffering between parking areas and the sidewalk;</p> <p>g. define outdoor display areas with enhanced landscaping or architectural edge treatments;</p> <p>h. enclose any storage areas for goods and materials within buildings;</p> <p>i. meet the site plan control requirements of Section 3.4.18 to the satisfaction of the City; and,</p> <p>j. prepare any studies that the City determines are needed to support the proposal as required by Section 9.12 of this Plan.</p>		<p>corner clearances and adequate throat length;</p> <ul style="list-style-type: none"> <li>• is not expected to result in traffic infiltration through the adjacent residential area to the west given the connectivity to Midland Avenue;</li> <li>• Is compatible with and can safely be accommodated within the existing road network.</li> </ul> <p>The proposal employs and internal connections to limit the number of access point to three – one per development area.</p> <p>Surface parking areas are located behind buildings to limit their visibility from the municipal sidewalks.</p> <p>The road edge displays a composed landscape of planting beds and trees with particular detail given at vehicular entry points.</p> <p>There are no outdoor display or storage areas.</p> <p>The proposal will be subject to site plan control and final plan of subdivision. Further project details will be reviewed at that time.</p>
<p><b>3.4.E.4</b> Residential development of outmoded or under-utilized arterial</p>	<p>Arterial Commercial –</p>	<p>While this property is designated as Arterial Commercial land use in the Official Plan, the residential parcels</p>

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<p>commercial sites for medium or high density residential use may be permitted without amendment to this Plan, provided that the City is satisfied that the site is adjacent to a Residential designated area, has adequate residential amenity in terms of open space, access, protection from noise or other impacts, and that the site can be provided with active transportation linkages to the adjacent Residential designated area. New development will be subject to a rezoning and site plan control review in order to assess appropriate heights, setbacks, density, access and linkages, and to ensure that a public consultation process is undertaken. Such proposals must comply with the density policies of Section 2.4, compatibility criteria of Section 2.7 and urban design policies of Section 8 of this Plan. New medium and high density residential developments must address the locational criteria of Sections 3.3.B.4 and 3.3.C.3 of this Plan, respectively.</p>	<p>Residential Development</p>	<p>included in this proposal were found to satisfy the criteria set out in this provision. The site is adjacent to a residential designated area, adequate residential amenity has been provided, and there are new sidewalks along Tivoli Avenue and through to Birchwood Park that link this development to the adjacent residential neighbourhood. The new development is subject to rezoning and site plan control. See the noted Sections 2.4, 2.7, 3.3.B.4, 3.3.C.3 and 8 of this table for more information on compliance.</p>
<p><b>3.3.B.4</b> In order to assess new medium density residential projects, the applicant must provide an analysis through a planning</p>	<p>Medium Density Residential - Locational Criteria</p>	<p>The proposal generally satisfies the medium density locational criteria that apply to the townhouse portion of the development.</p>

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<p>justification report. The analysis must address the location of the project. Generally, medium density residential projects will be located:</p> <ul style="list-style-type: none"> <li>a. on a site that is appropriate given the context of surrounding land uses;</li> <li>b. adjacent to, or within walking distance of, commercial areas;</li> <li>c. in an area that has access to public transit; and,</li> <li>d. within walking distance of parkland, open space or community facilities.</li> </ul>		<p>The proposed townhouses are appropriate given the surrounding neighbourhood context which includes the Cataraqui West residential neighbourhood directly west of the subject lands. Cataraqui West is made up of low-density (single and semi-detached) homes. The proposed medium density and high density residential uses will provide an appropriate transition from the this residential neighbourhood to the commercial uses fronting on Midland Avenue.</p> <p>The proposal includes a commercial plaza along Midland Avenue. In addition, this location is in walking distance and proximate to a variety of commercial uses to the south along Midland Avenue and to the east along Gardiners Road.</p> <p>The subject lands are serviced by Kingston Transit Route 15 which connects to the Cataraqui Centre Transfer Point. There is a bus stop on Tivoli Avenue directly adjacent to the subject site.</p> <p>The property is located directly adjacent to Birchwood Park and is within walking distance of Midland Park and the Invista Centre. It is near the multi-use trail along Cataraqui Woods Drive and the K&amp;P Trail which can be accessed through the Cataraqui Estates Business Park.</p>
<p><b>3.3.C.3</b> Proposals for new high density residential use which require a zoning by-law amendment or minor variance in support of factors that affect built form</p>	<p>High Density Residential - Locational Criteria</p>	<p>The proposal generally satisfies the high density locational criteria that apply to the apartment portion of the development.</p> <p>The subject lands are located adjacent to the Cataraqui West</p>

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<p>and the intensity of use shall generally satisfy the following locational criteria:</p> <p>a. The subject property is located:</p> <ul style="list-style-type: none"> <li>• within a Centre or Corridor;</li> <li>• within an area subject to a Secondary Plan or a Specific Policy Area Plan provided such Plan permits high density residential use; or</li> <li>• on the periphery of a low or medium density residential neighbourhood provided the proposal demonstrates conformity to the policies of Sections 2.6 and 2.7 of this Plan, where applicable;</li> </ul> <p>a. the property is within walking distance of areas designated for commercial use (i.e., any of the uses within the Commercial Hierarchy except for Neighbourhood Commercial);</p> <p>b. the property is within walking distance of parkland, open space or community facilities; and</p> <p>c. the property is located on an existing arterial or collector road.</p>		<p>residential neighbourhood and conforms with Sections 2.6 and 2.7 of the Official Plan.</p> <p>The proposal includes a commercial plaza along Midland Avenue. In addition, this location is in walking distance and proximate to a variety of commercial uses to the south along Midland Avenue and to the east along Gardiners Road.</p> <p>The property is located directly adjacent to Birchwood Park and is within walking distance of Midland Park and the Invista Centre. It is near the multi-use trail along Cataraqi Woods Drive and the K&amp;P Trail which can be accessed through the Cataraqi Estates Business Park.</p> <p>The subject lands are located along Midland Ave which is an existing arterial road.</p>

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<p><b>3.3.8</b> Within the Urban Boundary, intensification through moderate increases in building height or density may be considered at the edge of neighbourhoods, provided that the development is adjacent to one or more of the following: transit routes, community facilities, areas of open space, or mixed use Centres or Corridors, as identified on Schedule 2.</p>	<p>Intensification</p>	<p>The proposed changes to building height and density on the subject lands are moderate and appropriate given its location at the east edge of the Cataraqui West neighbourhood, along an existing transit route and walking distance to parks and community facilities.</p>
<p><b>3.3.10.</b> The City's affordable housing initiatives are designed to support development of housing that is affordable for low and moderate income households and to help households transition out of core housing need. Affordable initiatives are designed to provide a full range of housing in terms of tenure, affordability, accessibility, and locations in different urban residential neighbourhoods, to increase choice for low and moderate income households. Such initiatives include:</p> <ul style="list-style-type: none"> <li>a. encouraging intensification and a mix of densities in new communities as a way to promote affordability; and,</li> <li>b. promoting the use of second residential units as affordable housing.</li> </ul>	<p>Affordable Housing</p>	<p>The proposed development does not explicitly include affordable housing; it does add 81 new homes to the City's housing stock.</p>

<b>Policy</b>	<b>Category</b>	<b>Review</b>
<p><b>4.1.1.</b> New development will proceed only if the City is satisfied that adequate services, roads, and utilities are available, or can be made available, to serve the proposal adequately. In determining the adequacy of servicing, utility systems, or the transportation system, the City will consider not only the proposal, but also the potential for development that exists in the same service area.</p>	<p>New Development</p>	<p>Studies regarding the feasible capacity of existing municipal systems were conducted as part of the submission and any concerns were identified by technical departments have been resolved.</p>
<p><b>4.3.1.</b> Stormwater management techniques must be used in the design and construction of all new development to control both the quantity and quality of stormwater runoff. The degree of control will depend on the conditions in the downstream receiving water bodies. This is to minimize the negative impacts of development on the downstream receiving water bodies, the aquatic environment, and fish habitat.</p>	<p>Stormwater Management</p>	<p>As per Section 2.8.5, stormwater runoff will be management on site through an underground system. This approach will introduce stormwater controls to address quality and quantity, as described through the submitted report. Final details related to stormwater management will be secured through the site plan control process.</p>
<p><b>4.3.4.</b> For urban infill development projects, the City will require the preparation of a stormwater management report to address the impacts of additional lot coverage or new uses of the site on the quality and quantity of water. Proponents must endeavour to improve the</p>	<p>Quality and Quantity of Water</p>	<p>In addition to the comments set out in Section 2.8.5, the Stormwater Management Report also includes recommendations to improve the quality of the water. The StormTech system (underground chamber) filters the runoff and captures sediment to remove suspended solids. The system will satisfy the quality and quantity controls of the municipality and the CRCA.</p>

Policy	Category	Review
management of stormwater from the existing development areas.		The detailed design of stormwater management system will be provided at the final plan of subdivision stage.
<b>4.6.3.</b> The reconstruction of existing roads and the construction of new roads within settlement areas are to include safe, convenient and accessible pedestrian facilities, such as sidewalks, corner ramps, pedestrian signals and crosswalks of universal design. The enhancement of roadways, sidewalks, sidewalk safety barriers, and transit facilities to maximize mobility and access for all will be required in all construction and reconstruction projects.	Pedestrian Facilities	Changes within the right of way such as those related to new access points will also be constructed to municipal standards.
<b>4.6.4.</b> On new roads and on reconstructed roads, sidewalks are to be provided where feasible on both sides of urban arterial and collector roads running adjacent to developed lands and on local streets near schools, bus stops, and land uses that are major pedestrian trip generators. On new or reconstructed local roads, sidewalks must be installed on at least one side of the road. Sidewalk safety barriers on structures such as bridges are recommended.	Sidewalks Required	As part of this development, new sidewalks will be constructed within the right-of-way along the south side of Tivoli Avenue and the west side of Midland Avenue.
<b>6.1.1</b> The City will protect and encourage the stewardship and restoration	Natural Heritage System - Intent	A couple small portions of the subject lands are identified as contributory woodland on Schedule

<b>Policy</b>	<b>Category</b>	<b>Review</b>
<p>of the natural heritage system identified on Schedules 7 and 8 by directing development away from natural heritage features and areas. Further, land use and development within the adjacent lands to natural heritage features and areas will be regulated by the City to protect the ecological function of the natural heritage system. Environmental impact assessments may be required to demonstrate that development and land use change will not result in negative impacts.</p>		<p>8A. These areas were reviewed by Ecological Services and found not to be regulated features under the CRCA's O. Reg 148/06. The CRCA's interests have been satisfied.</p>
<p><b>6.1.23</b> Land division through severance or plan of subdivision (or condominium) that has the effect of fragmenting lands within the natural heritage system is discouraged. The policies of Section 9.6 of this Plan must also be addressed.</p>	<p>Natural Heritage System – Land Division</p>	<p>An application for draft plan of subdivision is being sought which will divide the lands in the proposed blocks. As the subject lands were not found to be contributory woodlands, this subdivision will not fragment a natural heritage system.</p>
<p><b>6.1.26</b> Where a site is on adjacent lands to either a Natural Heritage “A” feature or a Natural Heritage “B” feature, no land division that results in the creation of a new lot will be approved unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural heritage</p>	<p>Natural Heritage System – Land Division Adjacent to Natural Heritage A and B</p>	<p>Given the scope and scale of the proposed subdivision, negative impacts on any natural features are not anticipated as a result of the proposed development.</p>



Policy	Category	Review
features and areas, or on their ecological functions.		
<p><b>8.2</b> The Design Guidelines for New Communities establish the following guiding principles that should be used to ensure the development of successful communities:</p> <ul style="list-style-type: none"> <li>a. foster attractive communities and a sense of place;</li> <li>b. create compact, accessible, mixed-use communities;</li> <li>c. provide a variety of housing types;</li> <li>d. provide access and visibility to open spaces;</li> <li>e. encourage environmentally sustainable development;</li> <li>f. create a street network for active transportation and transit;</li> <li>g. integrate and highlight cultural heritage resources; and,</li> <li>h. encourage spaces, services and facilities that highlight arts and culture in a manner that generates and sustains cultural vitality.</li> </ul>	<p>Guiding Principles for Development of New Communities</p>	<p>The proposed development will provide a compatible addition to the surrounding area and result in an appropriate transition from commercial based Midland Avenue to the low-rise residential Cataraqui West neighbourhood.</p> <p>The subdivision will be divided into three primary components: the 1-storey commercial plaza along Midland Avenue; the 5-storey apartment building along Tivoli Avenue; and the 32 townhouses adjacent to the residential neighbourhood. The result is a varied and compact mixed-use community that is a very efficient use of lands.</p> <p>The proposal includes a mixed housing types including 2-storey townhouses and an apartment with one- and two-bedroom units.</p> <p>The proposed development allows for fluid pedestrian and vehicular movement through the site as well as regular connections to the existing road network and a pedestrian connect to the adjacent public park.</p>
<p><b>8.3.</b> The Design Guidelines for Residential Lots establish the following guiding principles that should be used to ensure new residential development is integrated</p>	<p>Guiding Principles for Development of Residential Lots</p>	<p>See Sections 2.6, 2.7.6 and 8.2.</p>

Policy	Category	Review
<p>into the existing built fabric, and is conducive to active transportation:</p> <ul style="list-style-type: none"> <li>a. protect and preserve stable residential communities (in accordance with Section 2.6 of this Plan);</li> <li>b. foster developments that are context appropriate;</li> <li>c. foster attractive developments which add to the existing sense of place;</li> <li>d. provide a variety of housing types;</li> <li>e. ensure compact, accessible mixed-use development;</li> <li>f. encourage environmentally sustainable development; and,</li> <li>g. integrate and highlight cultural heritage resources.</li> </ul>		
<p>8.4. Through the review of development proposals, construction of public works, or the preparation and approval of area plans, the City will promote the provision of barrier-free access and safety by:</p> <ul style="list-style-type: none"> <li>a. providing for age-friendly needs and the requirements of people with disabilities, and others requiring access supports through improved amenities such as parking,</li> </ul>	<p>Accessibility and Safety</p>	<p>The proposed development will result in a mixed-used medium- and high-density subdivision containing built forms compatible with the surrounding area. The proposed development will complement and preserve the stability of surrounding communities.</p> <p>The policies of Section 2.6 have been reviewed above. The proposal will add to the existing sense of place within the west end of Kingston.</p> <p>The build out will be subject to site plan control where details related to</p>

Policy	Category	Review
<p>benches, and washrooms, clear signage, visual or auditory indicators, and other means as appropriate;</p> <p>b. improving public security through enhanced lighting, visibility of public areas, provision of entrance locations in well-traveled areas, and ease of access for emergency personnel or vehicles;</p> <p>c. clearly defining building entrances and avoiding designs that would create areas that are hidden from public view and thus potentially available for criminal activity;</p> <p>d. arranging public uses and amenities within a convenient walking distance;</p> <p>e. providing adequate walkway widths, visually permeable materials and structures, and landscaping elements that do not obstruct sightlines in the design of streetscapes, transportation facilities, or public buildings and places; and,</p> <p>f. promoting safe environments by applying Crime Prevention Through Environmental Design</p>		<p>accessibility and safety will be reviewed at a more detailed level. The site plan presents a legible and intuitive layout with:</p> <ul style="list-style-type: none"> <li>• clearly identifiable points of entry to the site and building entrances;</li> <li>• comprehensive and linked pedestrian and vehicular circulation within the site and into the surrounding area;</li> <li>• open sight lines;</li> <li>• accessible parking located near building entrances.</li> </ul>

Policy	Category	Review
<p>(CPTED) concepts and principles in the design of buildings, site layout and landscaping of development sites.</p>		
<p><b>8.6.</b> The City requires the design of new development to be visually compatible with surrounding neighbourhoods and areas of cultural heritage value or interest through its site plan control review, preparation of zoning standards, and urban design guidelines, as appropriate, that address the following:</p> <ul style="list-style-type: none"> <li>a. siting, scale and design of new development in relation to the characteristics of the surrounding neighbourhood or the significant cultural heritage resources including, scale, massing, setbacks, access, landscaped treatment, building materials, exterior design elements or features;</li> <li>b. protecting natural heritage features and areas and cultural heritage landscapes through the siting, design and review of new development;</li> <li>c. promoting innovation in building design to create an interesting and varied built environment, to</li> </ul>	<p>New Development</p>	<p>The proposed development provides for a compatible new mixed-use development within the surrounding area. See Sections 2.6 and 2.7.3.</p>

Policy	Category	Review
<p>increase sustainability by improving energy efficiency, and to deliver barrier-free accessibility;</p> <p>d. achieving compatibility in land use and with a predominant architectural style, street pattern or site arrangement where that style or arrangement forms a valuable component of the existing neighbourhood or the cultural heritage value or interest of the identified area. Section 2.7 provides additional policy in this regard; and,</p> <p>e. encourage spaces, services and facilities that highlight arts and culture in a manner that generates and sustains cultural vitality.</p>		
<p><b>9.5.9.</b> When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <p>a. conformity of the proposal with the intent of the Official Plan policies and schedules;</p> <p>b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage</p>	<p>Zoning By-Law Amendments, Planning Committee/Council Considerations</p>	<p>The proposal conforms to applicable sections of the Plan as described through this table. No official plan amendment is required. The proposal represents a compatible intensification of the subject lands along Midland Avenue, as reviewed through Section 2.7. The recommended zoning by-law implements the density and use provides for the future build out of the subdivision.</p>

Policy	Category	Review
<p>system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan;</p> <p>c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area;</p> <p>d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development;</p> <p>e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas;</p> <p>f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;</p> <p>g. the impact on municipal</p>		

Policy	Category	Review
<p>infrastructure, services and traffic;</p> <p>h. comments and submissions of staff, agencies and the public; and,</p> <p>i. the degree to which the proposal creates a precedent.</p>		
<p><b>9.6.4</b> Plans of subdivision must conform to the policies of this Plan, and to the Provincial Policy Statement, as amended, and other requirements of senior levels of government. Council must be satisfied that:</p> <p>a. the proposed subdivision can be adequately supplied with municipal infrastructure and services in an economic manner if located within the Urban Boundary, or if located outside any settlement areas, the proposal is adequately supplied with individual on-site water and sewage services;</p> <p>b. the proposed subdivision has been designed to integrate compatibly with transit and the broader transportation system, adjacent existing and planned land uses, and both the natural heritage system, and cultural heritage</p>	<p>Land Division Applicable Policies</p>	<p>The subject lands are located within the Urban Boundary and the proposed development will be serviced by existing municipal servicing infrastructure.</p> <p>The proposed subdivision has been designed to integrate with the adjacent roads and the immediate transit network. The subdivision seeks to provide a compatible transition between the commercial activity along Midland Avenue and the Cataraqui West neighbourhood. The proposed development is not anticipated to have any negative impacts on the environment.</p> <p>The proposed subdivision seeks to intensify and redevelop an existing underutilized parcel of land within the City. The proposal will result in the improved use of existing infrastructure and land.</p> <p>The proposal will make efficient use of this vacant site within the City's urban boundary.</p> <p>As demonstrated above, the proposal has regard for and complies with the urban design polices in sections 8.2, 8.3 and 8.6.</p>

Policy	Category	Review
<p>resources;</p> <p>c. the plan of subdivision has been designed so there are no negative impacts on the natural heritage features or areas and designed to avoid natural and human-made hazards;</p> <p>d. the proposed development addresses issues of energy conservation and sustainability;</p> <p>e. the proposed subdivision is necessary, timely and in the public interest; and,</p> <p>f. the design of the proposed plan of subdivision meets accepted design principles and standards of the City, and has had adequate regard for any urban design guidelines, land acquisition programs, or other policy initiatives that are relevant to the area.</p>		



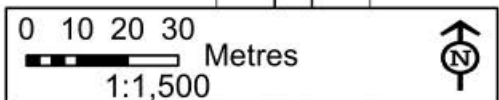
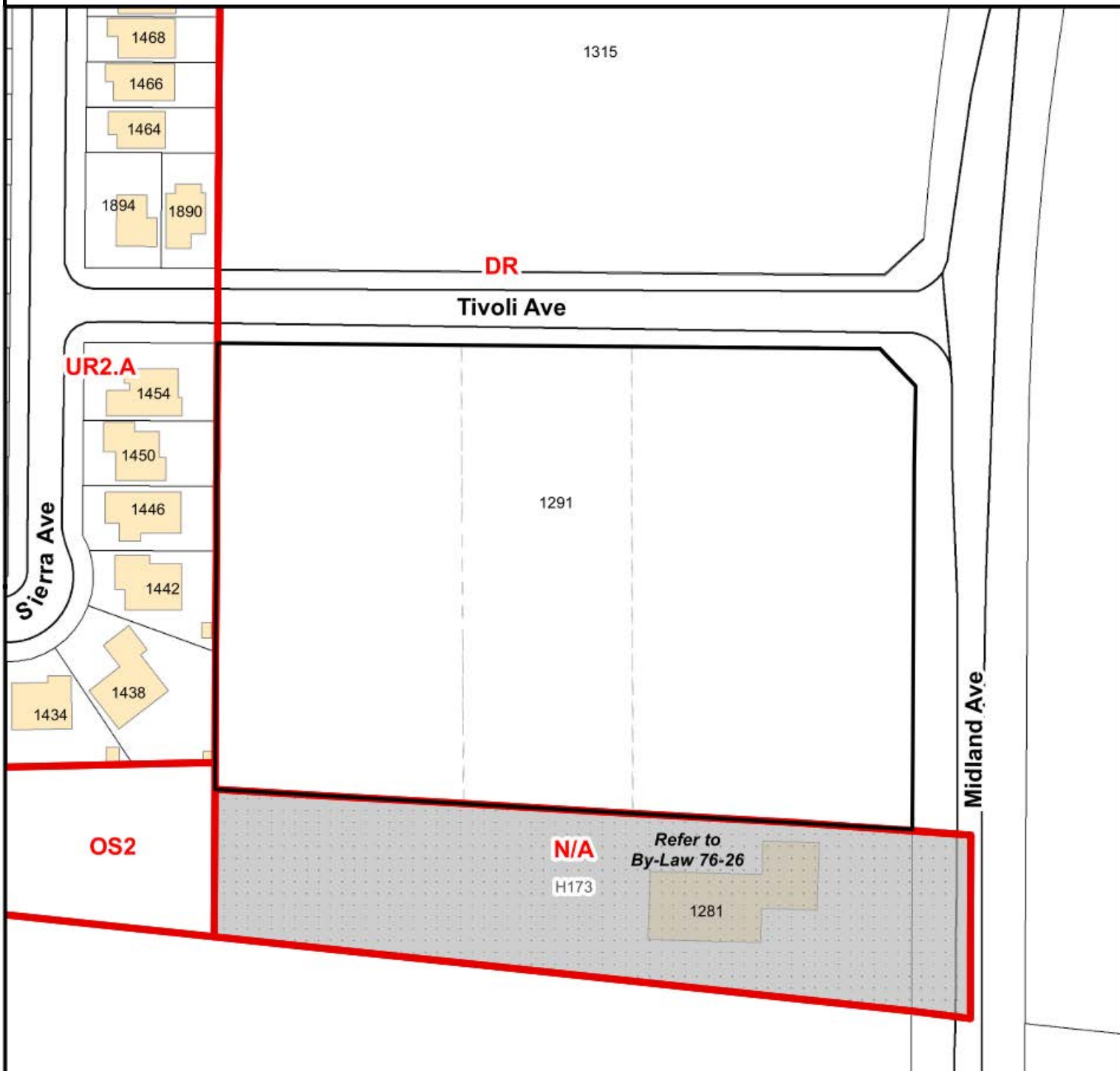


Planning Committee  
**Existing Zoning**  
**Kingston Zoning By-Law 2022-62**

**Planning Services**

Address: 1291 Midland Ave.  
File Number: D14-007-2021 and D12-003-2021  
Prepared On: Feb-12-2024

- Subject Lands
- Schedule 1 Zoning Map Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



**Site Photographs**

(Photos taken December 2020 or from Google Maps, 2021)



Looking Southwest toward the site from the intersection of Midland Ave and Tivoli Ave (Dec 2020)



Looking west along Tivoli Ave from the intersection Midland Ave and Tivoli Ave (Dec 2020)



Looking southeast toward the site from Tivoli Ave. Neighbouring properties visible (Google Maps)








Looking northwest toward the site from Midland Ave. (Google Maps)

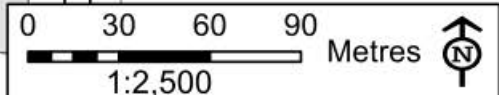
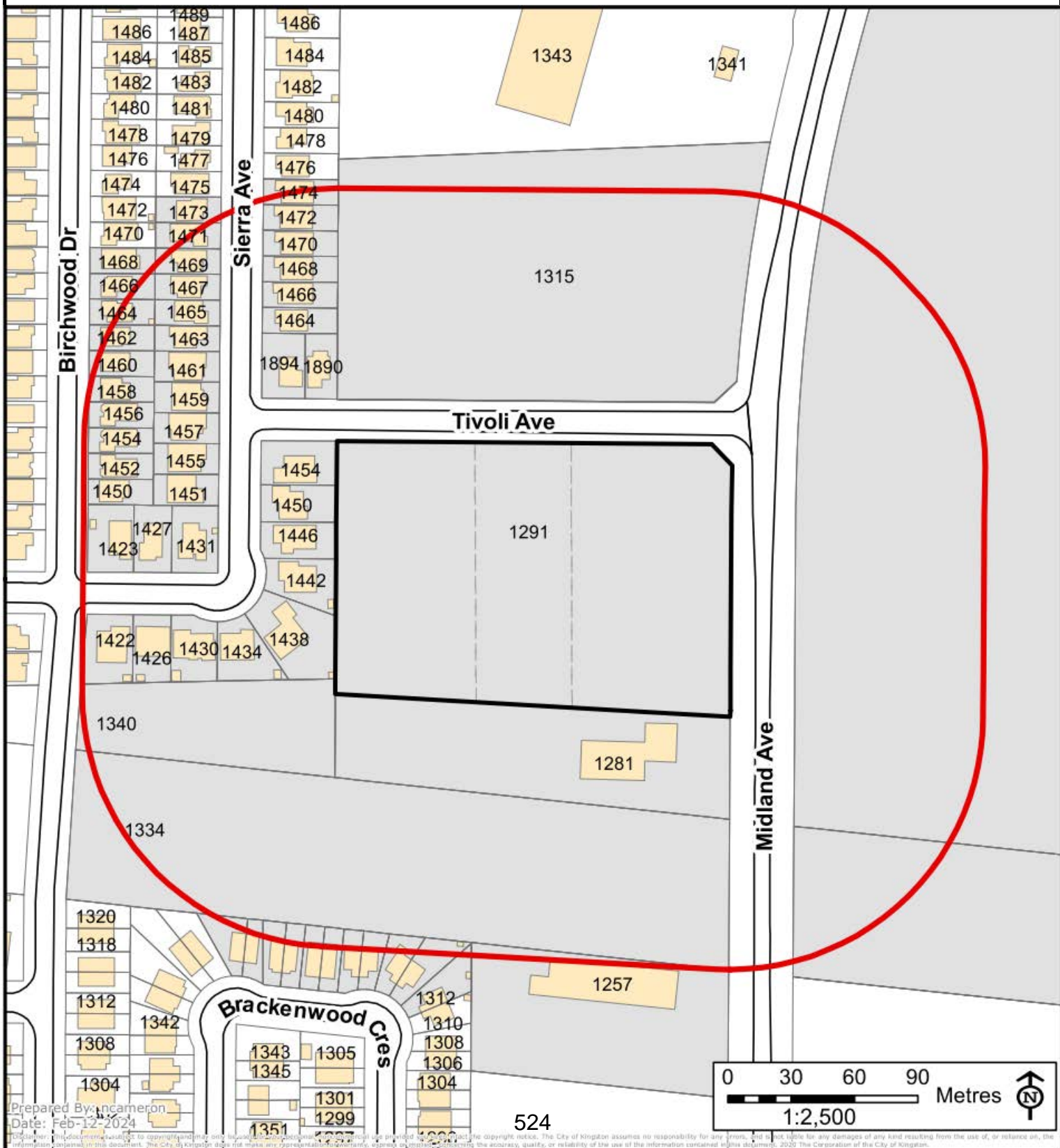


Planning Services

# Planning Committee Public Notice Notification Map

Address: 1291 Midland Ave.  
File Number: D14-007-2021 and  
D12-003-2021  
Prepared On: Feb-12-2024

-  120m Public Notification Boundary
-  Subject Lands
-  Property Boundaries
-  Proposed Parcels
-  61 Properties in Receipt of Notice (MPAC)



Prepared By: incameron  
Date: Feb-12-2024

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**From:** [Paul Chaves](#)  
**To:** [Szilagyi, Mike](#)  
**Subject:** FW: CITY FILE NUMBERS: D14-007-2021, D10-010-2021 AND D11-011-2021  
**Date:** July 12, 2021 12:25:19 PM

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Sent from [Mail](#) for Windows 10

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**From:** [Paul Chaves](#)  
**Sent:** July 12, 2021 12:21 PM  
**To:** [mszilagyl@cityofkingston.ca](mailto:mszilagyl@cityofkingston.ca)  
**Subject:** CITY FILE NUMBERS: D14-007-2021, D10-010-2021 AND D11-011-2021

Afternoon Mr. Szilagyl,

I am contacting for more information regarding the above planned projects scheduled for 1291 Midland Avenue. I have had many conversations with a number of my fellow neighbours regarding this project. With every conversation there appears to be just more questions and concerns surrounding this project instead of answers. I am hoping you may be able to provide some answers to our questions/concerns;

1. Who exactly is receiving the City of Kingston notices? My neighbour to the south of me has received two notices, however I have not received any. Does this mean neighbours to the north of me and those on Birchwood will not be receiving these notices? This project is going to have a greater impact on the neighbourhood than just those residing within a 10 residence area on either side of the project.
2. Can you please share the exact current zoning for this property?
3. One of the greatest concerns is the density of this project. I understand there is a proposed 34 townhome project on the west end of the property, over 4 blocks, and its own lane way off Tivoli. As well as, a 49 unit 5 story apartment building with 68 parking spaces and its own lane way off Tivoli as well. This is an increase of 83 residences in a very small area. One can easily presume these will not be single dwelling units. We are not against having more neighbours, but the impact this significant increase in local residents will have on this neighbourhood.
4. Can you please share the current status of our local water pressure? I was once shared our water pressure had not been turned on to the fullest amount due to the continued construction in our area. Can you please share if our water pressure has been turned on to its fullest? This is a major concern of ours. We have noticed the water pressure over the past few years have actually been decreasing. I can only presume this is directly related to the increased residential homes in the area. This only increases the concerns with the above mentioned project. What plans does the City have to address this problem?
5. Can you please share if a traffic study was conducted for this project? Traffic is a major concern
  - a. Turning left or right off Tivoli onto Midland Avenue is currently difficult and potentially hazardous. Having a minimum of an extra 83 vehicles will only add to this problem. Is the City planning on providing some solutions to this problem? Traffic lights at the

- intersection at Tivoli Avenue and Midland Avenue?
- b. The all way stop at Tivoli Avenue and Sierra Avenue is not a safe intersection either. Many expect other vehicles to stop and decide not to themselves. The above mentioned increased traffic will not assist with this current problem.
  - c. There is no left turn lane on Midland Avenue and the entrance off Midland Avenue for the projected plaza on this property will only add to the current traffic issues, especially with it being so close to the Tivoli Avenue and Midland Avenue intersection.
  - d. Vehicle traffic will not be the only increased traffic due to the completion of this project. Pedestrian traffic will be increased as well, especially those who decide to walk to the projected plaza. The sidewalk on Tivoli only goes a short distance from Sierra, just past the bus stop. Does the City plan on expanding this sidewalk all the way to Midland Avenue?
  - e. Speaking of pedestrian traffic, will the City be installing a sidewalk on Midland Avenue? Midland Avenue is on a bus route with a number of bus stops located on Midland Avenue. However, bus riders and other pedestrians have to walk along the edge of this very busy vehicle roadway. This only becomes even more dangerous during the winter with all the snow plowed towards the side of the road, leaving nowhere for pedestrians to walk safely.
6. Drainage and sewage is also another area of concern. I will not go into great detail concern as to the reasons, as they are similar to the issues with water pressure. With the large density of this project it will have a greater impact on both drainage and sewage for this area. Does the City have a plan to address these issues? The City would have made long range plans for water, drainage and sewage basis on the then zoning. What are the project impacts of this change in zoning and increase project density?
  7. The letters speak to upcoming meeting and the requirements to be able to participate and express concerns. The letters are written in more legal language instead of layman terms. Can you please share how someone would be able to participate in these meetings.

Thank you in advance for responding to the above questions and your assistance in this matter is greatly appreciated.

Paul Chaves  
[REDACTED]  
[REDACTED]

Sent from [Mail](#) for Windows 10

**From:** [Paul Chaves](#)  
**To:** [Szilagyi, Mike](#)  
**Subject:** RE: CITY FILE NUMBERS: D14-007-2021, D10-010-2021 AND D11-011-2021  
**Date:** August 23, 2021 11:42:16 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Morning Mike,

Thank you for sharing the response regarding my 4<sup>th</sup> question.

I do have some further questions, after reading all the reports on DASH.

First, regarding your answer to my question 7 for clarification. So, all questions and concerns brought forward to you will be addressed and answered during the planning committee meeting?

1. What is the currently zoning density for this lot? Is it not zoned for low density? And is not the proposed development plan be either medium or high density? Which would not fit with the current plan for this area.
2. In question 2, below, you shared the current zoning for this property is 'development zone' to which this zoning has a fairly limited list of permitted uses including an existing single family dwelling, an accessory dwelling house and a number of non-residential uses. I am not sure how a 49 unit 5 story apartment building constitutes a single dwelling residence.
3. There is a pipeline which runs along the south side of this property. Correct me if I am incorrect, but there are restrictions and guidelines which need to be followed related to nearby construction. One of these would include the proximately of medium and high density buildings which are not able to be evacuated quickly. I would have concerns the apartment building falling into this category. The plaza may has well, but more concerned with the apartment building.
4. There does not appear to be any green space identified within the development plans. No park or anything. Just buildings and pavement. Kingston states it is an environmental friendly city, but this project just not fall within the City's vision. My understanding is most apartment buildings have their own park for the residents. If the response is for the residents to walk/drive to local parks in the area, I do not believe this was considered in the traffic study. Not to mention, sidewalks were not in the development plan.
5. The traffic study was conducted during a pandemic and does not appear to take into consideration the reduced traffic flow due to the number of lockdowns.
6. Still concerned where/how everything proposed is going to be located within the property. Not only the suggested buildings but also the 198 parking spaces.
7. Tree information number of existing trees proposed to be removed is zero. However, it appears a number of trees and shrubbery has been removed as by the appearance of the number of piles of cut vegetation. If the Developer is able to violate current agreements/permits, how are we to expect they will complete everything agreed to in the future? No trees to be planted? What are the Community improvement areas under schedule 10 of the OP?

8. Are there results of the Hydrogeological study referred in the reports?
9. Tree permit to remove 5 trees. Majority of trees removed. I drive by there fairly regularly and the only trees I see are on the perimeter. This goes hand in hand with number 7.
10. Site alteration permit: what material is being stockpiled? There is no further information regarding this. I will expect no further work will be completed considering end date on permit is July 31<sup>st</sup>.
11. Planning rationale: There appears to be inconsistencies with what is proposed and City minimum standards regarding the townhomes.
  - a. Lot frontage is only 20'. Taking into consideration the driveway, how is anyone going to be able to park a vehicle in front of their home? The driveways are only large enough for one vehicle. I think it is easily to agree there are not many single vehicle households in todays society. So, where are they going to park? This will cause further issues with service vehicle access such as garbage, snow removal and emergency vehicles.
  - b. Proposed driveway width is 2.74m and not the regulated 3.0m.
  - c. Maximum number of townhomes is 8 and the developer is asking for one unit containing 10. Which I believe will be the one located nearest the pipeline.
12. Traffic Study:
  - a. There is no proposed sidewalk extension on Tivoli.
  - b. Exhibit 4. Traffic traveling south past Macrow intersection is much higher than traffic passing by Tivoli. Where did the 'extra' traffic go? Not that many vehicles would have gone into the second entrance of the plaza. There appears to be an error in this report. The same can be said regarding the other exhibits, as the numbers do not match.
  - c. The Tivoli traffic is the same for all three years. No increase even with the development. Study talks about percentage increase for population growth but none shown here. And this is with 83 residential units being developed, not including the traffic from the plaza.
  - d. 6.2.1 of the report states 'Ottawa'. This demonstrates a cut and paste report. As such, I would question the reliability of everything written within this report. One can not truly state what is Kingston information and what is Ottawa information. The creditability of this report should be in question and a new report should be conducted.
  - e. Conclusions & Recommendation:
    - i. Short 11 parking spots for the commercial unit.
13. Service Report:
  - a. Based on 32 townhouses, 45 unit apartment and commercial unit. (this is short to the requested development.) Estimated population 224 persons or 2.7 persons per unit. Report does not state how this development is going to affect the current area water pressure issue.
14. Stormwater Management Report:
  - a. Erosion & sediment control during construction. What are mud mats? What is City roadway cleaning and who would the developer go about doing this?
15. One final question which is related to my question regarding parking above. Correct me if I am incorrect, but this is a private residential neighbourhood? With private laneways within it? The only City roadways are the ones which run along the outside of this property, Midland



Ave and Tivoli. Does this mean the City is not responsible for the snow removal for this area? And similarly, not responsible for waste collection as well? And as such, the developer will have to manage both snow removal and waste collection for the residents of this development? Or will there be 34+ bags of garbage, green bins and recycling bins along Tivoli?

16. Below you mention each speaker at the planning committee meeting will only have 5 minutes to speak. Does this include if the speaker has a question for the committee and the response from the committee? As this would not be a true 5 minutes. Or will speakers be allowed to ask their questions first and then have 5 minutes to speak.

Thank you and be safe,

Paul Chaves

**From:** [Marcy Burton](#)  
**To:** [Szilagyi, Mike](#)  
**Subject:** D14-007-2021  
**Date:** July 30, 2021 2:58:04 PM

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Good day,

I'm disappointed to see further housing development proposed for the corner of Tivoli and Sierra. As a resident of the subdivision adjacent, I was optimistic that the use of that corner would encourage a more walkable community. By adding a cafe, restaurants or the like you would be enhancing the livability of the neighbourhood. Already this community is forced to drive to restaurants located on Gardiners Rd, as there are no sidewalks connecting the spaces. To encourage commercial development in this space would be a benefit to the residents situated in the community. Instead, it appears that this proposal will only further exacerbate traffic and further diminish the potential to make Kingston an active, sustainable, livable city.

I'm not exactly sure the right way to make comment, but found your email with the planning documents. If there is a better approach, please let me know.

Thank you for your time,

Marcy Burton

Sent from my iPhone

**From:** [Fawcett,Elizabeth](#)  
**To:** [Szilagyi,Mike](#)  
**Cc:** [Park,Tim](#); [Bar,James](#)  
**Subject:** FW: Concerned Citizen - New Development - 1291Midland Avenue  
**Date:** August 3, 2021 11:22:47 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Good morning Mike,

Please see below correspondence received through the Mayor's Office for the above noted file.

Thanks,



**Elizabeth Fawcett (she/her/hers)**

Committee Clerk  
Office of the City Clerk

City of Kingston  
City Hall,  
216 Ontario Street Kingston, ON K7L 2Z3  
613-546-4291 ext. 1219  
[efawcett@cityofkingston.ca](mailto:efawcett@cityofkingston.ca)



The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

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**From:** Mayor of Kingston <mayor@cityofkingston.ca>  
**Sent:** August 3, 2021 11:18 AM  
**To:** Gabriele Eaton [REDACTED]  
**Cc:** Fawcett,Elizabeth <EFAWCETT@cityofkingston.ca>  
**Subject:** RE: Concerned Citizen - New Development - 1291Midland Avenue

Hi Gaby,

Thank you for your email to Mayor Paterson and for sharing your concerns about this new development proposed for 1291 Midland Avenue. I have copied Elizabeth Fawcett, the committee clerk for our Planning Committee, as she will be able to record your comments to be shared with the committee, and the city planner assigned to this development, for their review and consideration moving forward.

Many thanks for your engagement on this important City issue.

Warm regards,

Kayla



**Kayla Harry (she/her/hers)**

Mayor's Office Assistant

Mayor's Office

City of Kingston

City Hall

216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 x 1411

[kharry@cityofkingston.ca](mailto:kharry@cityofkingston.ca)



The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

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**From:** Gabriele Eaton [REDACTED]  
**Sent:** August 1, 2021 5:55 PM  
**To:** Mayor of Kingston <[mayor@cityofkingston.ca](mailto:mayor@cityofkingston.ca)>  
**Subject:** Concerned Citizen - New Development - 1291Midland Avenue

**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good morning Mayor Paterson, on behalf of our immediate residential community that will be backing onto the new development proposed at the above address, there a great concerns, and disappoints expressed by the residential properties that will be effected in a large way,

Properties:

[REDACTED] [REDACTED]  
Please note in speaking with some of the residents living in the above addresses, have called 'Planning Services', and I was disappointed to learn that those messages that have been left, and several calls have been placed, have not been returned. It appears to those residents that they are being ignored.

We so appreciate that this great City of Kingston, continues to grow, but what we are all surprised to learn, is not so much the 34 townhouses, but a **5 storey apartment building!** When people moved here, purchased their property facing this development area, built their custom homes, they were informed it was deemed commercial (behind them), (expecting perhaps a small strip mall) in the future. There was also a height restriction at that time, so why would a 5 storey apartment building be acceptable now?

We were also informed that a dealership is going to be built on the other side of Tivoli, across from

this new development.

The infrastructure is just not conducive to this growth (with the amount of people), and the amount of traffic it will cause in this area as a whole, and traffic off of Midland and Tivoli is busy already due to the amount of homes we have in the Cataraqui Woods area. We are grateful that Bayridge road was built, as so much traffic including trucks were coming through this community for years.

We understand there is a virtual meeting being held on Sept. 3rd, and I know there is an opportunity to speak up, but I guess we really want to know, at this stage, is this all confirmed and a done deal...please tell us, that this 5 storey apartment building is not...it is too much for this piece of land. Never mind the upset, blasting, dust, hours of noise, and so forth, and the small amount of green belt left in this area.

Mayor Paterson, I realize you have a lot on your plate, but as a taxpayer living in this community, and listening to our neighbors, and as they say in our Christian faith, 'love thy neighbors', well we do sincerely care, and I believe one needs to speak up for them, and at least try to ensure the best decision is made not just for business and growth, but proper urban planning keeping all factors in play, before anything is confirmed. Instead of the 5 storey apartment building, how about a nice green belt - park around the 34 town houses?

I so appreciate your time, and if I could receive a response, would be greatly appreciated.

Thank you for the opportunity to express my concern and care for the families that live very close to me, and hearing their concerns, I would be remiss, if I didn't speak up, and help where I could...to me that is most important, and not just sit back with complacency and accept.

As you will see, I am co-owner of the Women Mean Business Professional Network here in Kingston, for the past 10 years, I guess with a name like 'Gaby', I had to take it to task!

Sincerely,  
Gaby Eaton

**From:** [Roger Lockwood](#)  
**To:** [Szilagyi, Mike](#); [schappelle@cityofkingston.ca](mailto:schappelle@cityofkingston.ca)  
**Subject:** Proposed development - midland ave and Tivoli  
**Date:** August 11, 2021 11:42:27 AM

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Good afternoon Mike,

I am writing you about my concerns regarding the proposed development on Midland Ave and Tivoli in the Midland Park neighbourhood.

First of all the traffic impact study was a very poor copy and paste job with a number of references to the city of Ottawa and other areas that were untrue of the neighbourhood in general.

The traffic impact study failed to address the impacts on the 4 way stop intersection of Sierra Ave and Tivoli and the use of Sierra Ave as a throughway from Bayridge Drive to Midland Avenue which will only get worse with more residential build out in the neighbourhood. The study also failed to address the full build out of Wood Haven subdivision which is already masterplanned and approved to go ahead for the most part this will bring more traffic to the area and through Sierra Ave in future years.

They also state that Tivoli and Sierra Ave are posted 50km/hr? there are no signs posted in the Midland Park neighbourhood regarding traffic at all? by default this would be 50km/hr but it is not posted anywhere.

The intersection of Tivoli and Midland Ave in my opinion will need to be signalized with the additional traffic to the development as well. This intersection is already quite dangerous with the speed that cars go at down Midland Ave to and from the 401 and I've witnessed cars wait a long time in order to turn left and many near misses from cars crossing over into the opposite lane of traffic as they go around the curve. Adding more traffic will make the risk more likely to occur and a serious risk to the community.

Also Midland Park isn't fully built out yet with sections awaiting the closure of Pat Rogers Towing Wrecking Yard to close down. The servicing reports that sewer sanitary will be brought to its limits if this proposed development goes through. Would that impact developments on hold in the neighbourhood near Executive Ave? And will this be cause for concern for sewer back ups if this development pushes the infrastructure to capacity? Perhaps a smaller wider 2-3 story apartment building with 1st level commercial space would be more in line with this and not push infrastructure to its breaking point.

The developer also wants to take a planned low density neighbourhood community and replace zoned commercial space with residential space when the neighbourhood is severely lacking walkable amenities already. I believe if they build wider with more allocated commercial spaces for things like doctors offices, pharmacies, convenience stores etc it would have a greater community benefit and impact rather than stacking more people on top of one another and paving over all the greenspace to make it fit.

The developer also has no intention of putting a park or greenspace for recreational use for its proposed new residents into the community meaning that they will use the existing parks and infrastructure (sidewalks, bike/multiuse paths, etc) this is concerning as the parks in the neighbourhood already don't have enough for the kids and benches and picnic tables are

already well used. Adding more people without more things to do in the neighborhood will create additional strain to the community who has already been without due to the parks 10 year master plan taking place when the community was a year old and still in development when the park in the middle of the neighbourhood was classified as low density? meanwhile every day the single play-structure is always used and overwhelmed with people. I understand that cash in lieu is something that does occur but this isn't a downtown development and there is greenspace available around that the developer could buy the lands the greens (green homes) are holding onto near executive and make that into greenspace/ walking and bike paths to give to the city to accommodate this.

The proposed height of the 5 story apartment building is grossly out of proportion with the existing neighbourhood and a number of residents have pointed out building permit rejections based of height of structure when they wanted to renovate their homes. I believe that this needs to at minimum be brought down to 3 stories and no balconies on the west side of the building to respect existing residents privacy.

I am not against this development and would like to see this plot of land built on and do like the mix of residential and commercial in the proposal by the developer but I believe it needs to be done right and incorporate both to provide the best benefit to the community and Kingston overall.

Thank you for your time and consideration,

Roger Lockwood

**From:** [Mike Blanchfield](#)  
**To:** [Chapelle, Simon](#)  
**Cc:** [Szilagyi, Mike](#); [Wicke, Chris](#); [City Clerk](#)  
**Subject:** Project Name: 1291 Midland Avenue - File #D12-003-2021  
**Date:** August 31, 2021 7:47:00 AM

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Dear Councillor Schapelle,

I am writing to express my sincere concerns in reference to Project Name: 1291 Midland Avenue, in particular the creation of 34 freehold residential lots to be used for townhouse development and the 49 unit 5-storey rental apartment building by applicant Nancy Wartman (Wartman Funeral Homes, I assume).

I will outline my specific concerns below:

- The congestion on Midland Avenue as it is has become quite noticeable as residents of Midland Park and area as this is the major thoroughfare to Walmart/Loblaws/LCBO/Beer Store/Cataraqui Mall to name a few. This additional development will quite certainly add to that congestion.
- This development will have a direct impact (because of the congestion on Midland) for those residents on Sierra Avenue, as Sierra Ave will become an even busier thoroughfare for those residents seeking to get onto Bayridge Drive.
- This development will directly affect those residents along Sierra/Frank/Jade as an alternative route to Creekford Road/401 access (again due to the Midland Avenue congestion).
- As it is now, there are no sidewalks on Tivoli, Midland to either Cataraqui St or Gardiners Road?
- Where is the “green space” going to be to accommodate these new residences? The children from 83 residences will be forced to our already congested sidewalks and community parks.

We moved to Kingston only six years ago and purchased our home in Midland Park specifically for the green space and community size. We did our homework then and were assured that the spaces at Tivoli/Midland were zoned commercial. We feel we have been duped and misled if the zoning is changed to accommodate 83 more families. This influx of people would have a noticeable impact on our quality of life and would over-burden the infrastructure.

I am in the process now of compiling signatures of over the 140 directly affected residences of Sierra/Frank/Jade/Gatwick who will be directly affected by this development, not to mention the arterial side streets of Birchwood/Pearl/Hanover/Adams/Albany/Grace/Frank/Executive avenues.

As our District 2 Councillor for this area who sits on the planning Committee, I look forward to your response for all the concerned residents of Midland Park.

Thank you.

Michael Blanchfield

██████████  
Kingston ON ██████████



**Submission to Planning Committee, City of Kingston**

Re: proposed development at **1291 Midland Ave**

File numbers D14-007-2021 and D12-003-2021

From: Rick Munroe

Date: September 2, 2021

This submission focuses primarily on four points:

- the presence of a significant “human-made hazard” adjacent to the property under consideration;
- the incompatibility of this hazard with the proposed development, especially the inclusion of a 5-storey apartment building;
- errors and omissions in the City’s recent Report # PC-21-055 (53 pgs) that was released prior to the Sept. 2<sup>nd</sup> public meeting;
- the need for the City’s planning & approval process to address those errors & omissions.

**1. Trans-Northern pipeline**

The Trans-Northern (TNPI) pipeline is the oldest of the three transmission pipelines that traverse the Kingston region. It is the only one that lies south of the 401 where intensive development is taking place. City planners should be mindful of that fact.

Transmission pipelines are large diameter pipelines that are designed to move large volumes of liquids or gases for long distances, typically under very high pressures (usually in the range of 500 – 1440 psig).

Failures of transmission pipelines are usually investigated by federal authorities in both Canada and USA. Consequently, the causes and consequences of these failures are well documented. In the case of “liquid pipelines” carrying petroleum or its products, a major failure invariably results in a geyser effect: liquid fuel is sprayed into the air and thus aerated, increasing its potential for ignition.

Of Kingston’s three transmission pipelines, TNPI’s has the highest operating pressure (yet it is the only company whose markers do not include the words, “High Pressure”). TNPI does not carry “oil” as stated on its pipeline (PL) markers. Rather, it carries refined oil products, primarily gasoline with lesser volumes of jet fuel, diesel and furnace oil. Other relevant details about this PL are:

- built in 1952
- 10” diameter
- normal operating pressure = 1,200 psig
- flow rate = approximately 8,000 litres per minute.

This video is the only one that I’m aware of that shows an actual release from a liquid PL in Canada. It is instructive because the pressure shown in the video was almost certainly less than 400 psi, one-third TNPI’s normal operating pressure. If the release had been gasoline and not crude oil the consequences in Burnaby could have been very different.

<https://www.youtube.com/watch?v=07wlunwsEt8>

## 2. Incompatibility of land uses

City planners and councilors have a duty to be aware of and to comply with Provincial requirements regarding development and land use, especially those that pertain to human health & safety.

Transmission pipelines are industrial devices with the potential to inflict serious harm. Consequently, their presence needs to be carefully examined and taken into account whenever nearby development is planned. This is especially true when the proposed development is adjacent to a PL and the separation between the properties is zero metres.

Private homes can be evacuated relatively quickly. Thousands of Ontario homes have been built next to PL rights-of-way. Providing that home-buyers receive complete information prior to purchase and are regularly advised about the PL and its risks, such development should not be prevented.

However, the risks are greatly increased when larger, multi-storey facilities are placed next to PLs. Obviously, the number of people who can be harmed is increased. What is less obvious are the logistical problems that are inherent in evacuating larger numbers of people.

This is especially true because electrical devices, including fire alarms & elevators, must not be activated if hydrocarbon vapours (especially those of gasoline or natural gas) are believed to be present.

Large buildings typically have HVAC systems: fuel vapours could be drawn into the building, thus creating the potential for explosion. Clearly, residents and first responders would need to respond very quickly to any release of a highly ignitable vapour cloud.

Another problem with larger sites is public awareness: people need to know what to do (and more importantly, not do) should a PL emergency actually occur. Despite federal requirements that “anyone who is exposed to the risks” be properly advised, the reality here in Ontario is that there is a clear negative correlation between public awareness and facility size (ie. the larger the site, the less people know).

Part of the reason for this may be commercial: owners may find it difficult to rent their apartments or sell their condos if potential renters/buyers were fully informed about the nearby PL & the potential consequences if it were to fail.

The video of the Burnaby release is instructive because it demonstrates that even among single-family homes there can be a serious lack of awareness: several neighbours can be heard calling, “What’s going on? What is it?”

If residents were informed in accordance with federal requirements they would not need to ask what had caused the eruption on their street.

### 3. Errors & omissions in the Public Meeting Report

I will address these error & omissions in the order that they are presented in the Report.

#### a. Site Characteristics (pg. 5/72)

**Error #1:** “subject to an easement benefiting Northern Pipeline....”

The company’s name is Trans-Northern Pipelines Inc.

On a related note, the City should be aware that a similar error occurs in Record D12-003-2021, Draft Plan of Subdivision (DPS), Preliminary Screening Criteria, Environmental Impact Report. This document states,

“Type: Trans Canada Pipeline

External Comments: This application is within 200 metres of a pipeline.”

Trans-Canada’s natural gas pipeline is located north of the 401, nowhere near Cataraqui Woods. The significance of the reference to 200 metres will be addressed in the next section.

**Error #2:** Under the section on surrounding land uses, “East: immediately east of the site is a vacant, vegetated site....”

That land is not vacant: it has been used for industrial purposes for decades (ie. a transmission PL and pylons for high voltage electrical transmission).

**Error #3:** “South: Immediately south of the site is a Church while further south is a Hydro corridor....”

As shown on the surveyor’s sketch (Exhibit I in Public Meeting Report, pg. 43/110) the PL is what lies immediately south of the site, not the church.

TNPI’s PL appears to have been completely overlooked in this section and in this entire Report, yet its presence has significant implications for public safety.

#### b. Omission re. compliance with the Provincial Policy Statement (PPS)

Land use decisions made by municipalities must comply with Provincial Policy. This fact has been routinely overlooked by several municipalities, including the City of Kingston, when it comes to development next to transmission PLs.

The Public Meeting Report states, “A preliminary list of the provincial policies applicable to the proposal is attached in Exhibit C – Consistency with the Provincial Policy Statement” (pg. 9/76).

Exhibit C consists of nine pages and includes 17 numbered policies, the last of which is Policy #2.6.2. That section is found on page 31 of the PPS.

If City planners had simply turned the page they would have discovered section 3.0, Protecting Human Health and Safety which immediately states:

“Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards” (PPS, pg. 32).

This section is routinely ignored by municipal planners, even when the proposed development includes the placement of schools and high-rises next to PLs. This researcher yet to see a report by any municipal planner that contains a reference to section 3.0.

This routine omission is both puzzling and troubling: surely public safety would be foremost in the minds of developers, planners and councilors.

Such omissions are even more puzzling when we see that Exhibit E re. Applicable Official Plan Policies, section 2.7.2 states that there is a requirement to: “consider the potential for adverse effects and matters that have the potential to negatively impact... the health and safety of humans. Where there exists a potential for negative impacts, a land use compatibility study, focused specifically on the identified land use compatibility matters, will be required” (pg. 28/95).

#### **4. Issues of process**

According to section 2.7.2 there is a requirement for a study to be conducted that will examine the specifics of land use compatibility between two elements: the developer’s various requests and the potential of this high-pressure gasoline PL to negatively impact the health & safety of nearby residents.

The Official Plan requirement may be moot due to the larger requirement of the PPS that development, especially that which involves multi-storey sensitive uses, be directed away from human-made hazards such as transmission PLs.

Also, some consideration should be given to the distance of 200 metres. That separation distance is a requirement of our Provincial PL regulator, TSSA, whose Guideline states: “A minimum setback of 200 metres shall be maintained from the centerline of pipelines to institutions where rapid evacuation may be difficult...”

Apartment buildings are not regarded as institutions but the general intent is both clear and prudent: buildings that cannot be evacuated quickly should not be placed next to transmission PLs.

Also, a 200 metre radius is the distance used by companies in their applications to our federal regulator whenever pipeline excavations are needed. The assumption appears to be that a diameter of 400 metres encompasses assets (eg. buildings & water bodies) that could be affected if something should go wrong during the required maintenance.

A radius of 250 metres is used for Ontario's Environmental Site Assessments (ESAs), the purpose of which is to identify potential site contamination. The 250 metre radius extends in all directions from the perimeter/property line of the site.

A Phase 1 ESA was not conducted on 1291 Midland, apparently because the property is viewed as vacant and not previously industrial. However, industrial contaminants can migrate: hence the 250 metre radius beyond the property line. TNPI and other PL companies have suffered pinhole leaks that remained undetected for many years, the consequences of which can be very serious.

Any PL within 250 metres of a property should automatically trigger an ESA.

Consequently, the City should have conducted an ESA not only because the PL is within 250 metres of the site but because the ROW is at least partially on the 1291 property itself. This is shown on the surveyor's sketch (pg. 43/110) and was apparent to me when I examined the southern end of 1291 yesterday.

Furthermore, it was immediately obvious that the site has been used as an illegal dump via the driveway to the south. Consequently, there can be no assurance that what has been dumped over the years did not include hazardous products.

For all these reasons, an ESA Phase 1 is required.

Regarding information available to decision-makers, City planners and councilors should also be aware of a clear pattern among PL companies: when circulated, they almost never express concern regarding what gets built outside of their right-of-way nor the resulting risks to public safety. This pattern has been well documented and has been reported to federal and provincial authorities.

This response pattern is particularly true of TNPI: the company did not caution the City about the risks that are inherent in placing this 5-storey apartment near its PL, nor did it warn about placing two new elementary schools next to their PL. The combined population of the two Woodhaven schools is expected to be around 1,000 students, day care toddlers and staff.

Similarly, TNPI did not caution the City of Burlington when their new 7-storey hospital wing was proposed. It was completed in 2017 and lies approximately 45 metres from TNPI's markers. It, too, qualifies as an institution and cannot be evacuated quickly.

The important point here is this: no-one should interpret companies' silence regarding public safety as 'proof' that the proposed development is actually safe. Unfortunately, that interpretation seems to be a common one among planners and even among senior fire officials.

The latter could provide an important service to planners and other decision-makers. Senior fire officials should be able to obtain all relevant details from PL companies, especially the crucial matter of potential release volumes during a worst-case scenario.

Meanwhile, TNPI refuses to provide an estimate of potential release volumes, citing security concerns. Withholding this information limits both the ability of emergency managers to properly plan for local PL emergencies and the ability of municipal officials to ensure public safety in their planning decisions.

Unfortunately, fire officials including Kingston Fire seem reluctant to take on that vital fact-gathering & advisory role, a role made necessary because of the refusal of PL companies to “speak up” and warn against the placement of sensitive use, high-consequence facilities next to their PLs.

Bottom line: in the absence of detailed info or cautionary statements from companies, and lacking the considered opinion of local Fire, municipal decision-makers are unable to make decisions that are truly informed.

Because they lack important details that are critical determinants of public safety, planning authorities should therefore err on the side of caution, adhere to the public safety provisions of TSSA & the PPS, and keep larger, sensitive use facilities well away from PLs.

Thank you for considering my concerns. If anyone wants verification of any of my assertions please do not hesitate to contact me.

- Rick Munroe  
Howe Island

██████████

Attention MIKE SZILAGYI

The proposed building site on Midland & Tivoli

My wife & I live at [REDACTED] in Kingston, have for the last 10 year, we have enjoyed the neighborhood for that as well. It has largely been a friendly family community, we know most of our neighbors, pick up & look out for each other.

2 years ago we heard the parcel of land was bought backing our property – the person involved with the people(s) that bought the parcel had to be reached as our contractor had to use their property to install our pool. In speaking with t personal about what was going to happen the parcel in means of buildings on the site the direct quote was

“We are going to build townhouses or row houses & a few detached houses & up front there is going to be commercial space. I mentioned back “I thought this space was suppose to be all commercial restate space.

I also went in to detail about how much problems that will still have with the amount of traffic on Tivoli now the extension have been build onto Bayridge Drive. My understanding or at least what he mentioned was the exit for the property in going to be Midland Ave. I really can't see how that can happen for the whole property.

We have now received letters as well as other residents of Sierra Ave – There are no detached housing in their plan, row houses & a 5 story apartment

There have been several accidents over the years on Tivoli that I have witnessed as I am waiting just to get on Midland Ave. There no traffic lights in the area, there are no side walks in the area of Tivoli or Midland as well . Where are all these cars/trucks going to be parked? What about the noise from not only autos but also the added people & the construction.

The site map was sent to my wife yesterday & we had the opportunity to look at where the townhouses are going to be build & same goes for the apartment building. The plan just shows lines it does not show the height of the buildings. Are these townhouse going to be the same height as the ones as the company built in the past (meaning 4 stories). So we will have 4 storey townhouses & a 5 storey apartment building flooding our residential area. It will be like building 3 apartment buildings in a way.

The commercial view was looked at as well we have no issue with that process , one of our reasons for buying our property was the fact , The land was & was always listed as commercial listing . Never was it ever listed for residential property . So how can that change? did someone just throw money in

someone's desk some day or did someone know someone on council to change that .As there was no notice for a change for this. For all that the city is doing to keep things green , the company in fact has already bulldozed down the small woods that was there – it matched the same one that was on the other side of Tivoll. It is amazing that the wild life people have not jumped all over this as yet with the small spring that is back there as well with the turtles, frogs & deer , foxes – as I said before green space doesn't matter to the city of Kingston . It is the tax dollars only.

Tim Garrison





**From:** [MICHEL JACQUES](#)  
**To:** [Szilagyi, Mike](#); [Chapelle, Simon](#)  
**Cc:** [Mayor of Kingston](#)  
**Subject:** 1291 Midland Ave- Amendment zoning and new proposed subdivision  
**Date:** September 21, 2021 3:21:52 PM

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Good afternoon,

*After listening to the zoom meeting on September 2, the community have a lot of concerns about this new development and a letter was sent to you regarding those issues on September 10, 2021.*

*This e-mail is for our property at [REDACTED]*

*We bought our lot a long time ago to build our dream house. We were concern about the empty lot behind us. We went to the City of Kingston to ask questions and we were told: don't worry it's " zoning/ light commercial". So, it would be similar of what you see on Midland Ave: plaza, doctor office, restaurant, bank etc. So, if the City of Kingston would have been honest and told us that the zoning could be amended and anything could be build on that lot, it would have been an easy choice. **We would never have bought this lot.** Also, they never mention anything about the Trans-Northern Pipeline "a big deal to us".*

*Why we choose this community: Only single homes, bigger lots, big backyards, quiet neighbourhood, nice family community.*

*Now this project is over the top for this location. First, Commercial Plaza is fine (Zoning-light commercial), 5 stories building is a "NO", 34 townhouses at 10.3 meter minimum and close to 100 parking spaces in total and practically no green space is not acceptable.*

*We understand that both parties have to compromise but this project need to be revised and reflect our existing community. We don't have semi-detached, townhouses, condos or apartment buildings. We should have a residential development that compliment and blend in with our existing family low density community, single houses. This proposal is " **a big mini concrete city**". There is a lot of issues with this residential project that doesn't fit with the City of Kingston mission, vision and values.*

***18 of the townhouses (10.3 meter or higher) would be backing into 5 properties-single house at 6.7 of our property line. That's means a lot of neighbors for this single houses community. We would be looking at a long, big, tall concrete wall with no privacy, no view, lots of noises and traffic? Definitely not our quiet community? What about the respect of existing property owners? What happen to our property values?***

*This project is so greedy from the developer, we are not in the city of Toronto. They build those mini concrete city that doesn't ever reflect of what Kingston City is all about. We are also aware of the revenue that brings to the City of Kingston but what about the quality of life of the existing resident of the community? How would you feel if it was your community and your back yard? We choose this location for a quiet life style community, not to be change to high density community!*

*Power, money & RESPECT*

*France and Michel Jacques*

**Dated: September 9, 2021**

**Mr. Mike Szilagy (he/him/his)  
Planner  
Planning Services  
City of Kingston  
1211 John Counter Boulevard  
& 216 Ontario Street, Kingston  
Ontario K7L 2Z3**

**Subject Matter: 1291 Midland – Public Meeting  
September 2, 2021**

**Lot 1 – Town Houses, Lot 2- 5 Storey Apartment, Lot 3- Commercial Strip Mall**

Good morning Mr Szilagy, thank you again for the opportunity to join this important meeting this past Thursday for the above project.

Just a couple of things we would like to mention re the public meeting:

**The Public Meeting Agenda/Time**

In regards to the registration to attend,(registered) some did not receive the actual zoom link from your offices (or whoever sends out the zoom link), fortunately they reached out to me, and I was able to provide

The meeting itself, we appreciate an Agenda, but also as respect to people joining online, that a time element is provided to registrants at the beginning so that they can gage when to join online or come back when the subject matter is relative to them.

**600 Princess Street – estimated from 6 to 8 p.m. (went to 8:30)  
1291 Midland - estimated from let's say 8:30 to 9:30 (approx)**

**Councillors' Responses: We were very disappointed when it came to Mr. Chapelle to have an opportunity to share the concerns of the residents of this community about 1291, it appeared that he was cut short or cut off, he was muted during his opportunity(I am confident not intentionally), disappointing, 'kept on hearing, get back to the question'. We personally sent an email to Mr. Chapelle, thanking him for his genuine concerns about this project as a whole for the residents of this community that will be affected by this development.**

\*\*\*\*\*

Continued...

**Here are points of concern from hearing the overview of the development by Ms. Gilchrist on behalf of IBI Group – West Empire Development Ltd.**

**Trans Northern Pipeline (high pressure gasoline pipeline)**

It appeared from the presentation by Ms. Gilchrist, that not much contact has been made between the Developer and TransNorthern Pipeline?

Please note, we have reached out to **Mr. Tony Wright, of Trans Northern Pipeline**, and he will be reaching out on our behalf to the head office (Toronto we believe) to gain further insight in regards to this development. We are awaiting his response.

In learning a bit more about this pipeline, **‘there are provincial policies that govern and prevent such development, but apparently the City continues to ignore’** this was sent to us in an email by Mr. Rick Munroe. He has done his homework, and is well versed on the pipeline. We appreciated Mr. Munroe’s time and comments at this meeting to ensure we were well informed.

Our concern with the actual development that will be happening, (ie blasting for instance), and overall safety for this entire community, not just the homes facing the development, nothing concrete was mentioned...just skimmed over...that is just not acceptable. It is more than just ‘infastructure’.

In some cases, those that purchased the land to build their custom home, no mention was made of this pipeline (we are talking about 17 years ago?) Why not?

**The question is, why would the City of Kingston, even consider selling his particular land parcel to a Developer with a pipeline so near?**

**What has Changed?**

The homes that were built facing this potential development, it was indicated by the City to the owners, that this particular property would remain as ‘Light Commercial’

Now, Town Homes, Strip Mall and 5 Storey Apartment...how can this be???

This area overall is a low density residential area with greenery. There is other land in Kingston where this type of development would be far more conducive, why 1291 Midland? This is a well established & designed area, why change it to this degree!

**Continued....**

### **Traffic Report/High Density Issue**

We understand a NEW traffic report will be made again (August 2020 does not provide an accurate picture), please ensure they include the fact, that MIDLAND is a key artery from the 401 for consumers to shop at Walmart, Loblaws, Beer Store, LCBO, and also is one of the key arteries going to the Cataraque Shopping Centre.

We are so surprised for those living in this community for the past 17 years in some cases, with the heavy traffic already on Midland between early hours people going to work, and definitely between 3:30 and 6:30 p.m. that no traffic lights have been positioned (Tivoli @ Midland). We certainly hope this will be addressed in the next presentation?

### **Water Pressure – Utilities Kingston - Higher Density**

What report has been submitted by Utilities Kingston re this issue.

### **Density Ratio**

It is quite apparent that this development from the presentation presented by Ms. Gilchrist is far too much for this small area.

Impact will be felt in overall traffic (Tivoli), not wide enough (Dealership apparently being built on the other side of Tivoli??)

**Safety for families with children.** No green space thought of, the small backyards, are like a postage stamp, not conducive or enough space for children. They will end up playing on the street, and the single car garage, most have 2 cars, and garage is used quite often for storage, cars will be parked on the narrow street. (Look at Wood Haven, and the congested streets)

Is the **street wide enough to accommodate** ( inTownhouse complex) – School Buses?  
How about Snowplowing?

**Schooling – Children will be forced to be bused, What school will they attend, has the Board been approached with this development?**

Please consider a lovely green space to be built instead of a 5 Storey Apartment Building, as in this immediate area, there is only **Midland Park**, and on other very small park just by **Executive Drive**, in the newer section of Greene Homes that were built.

Continued...

**Apartment Building – 5 Storey**

We have attached a picture of the development on Catarqui Woods Drive and Centennial (developed by New Empire), to show the impact of what a 4-5 storey at this stage of the game looks like in reality (we know those will be high rises above 5 storeys). We also attached a picture of the Waterford Retirement Home and it's 5 storey.

There will be no privacy for those that purchased a Town House with a 5 storey Apartment Building overlooking them, and also those homes backing onto this entire large project will absolutely have no privacy in their backyards.

As residents of this community, we are seriously asking that this 5 Storey Apartment complex NOT be approved.

Sincerely,

Residents of Catarqui Woods Residential Area

From: [Rick Munroe](#)  
To: [Szilagyi, Mike](#)  
Subject: PPS section 3.0, etc  
Date: September 8, 2021 3:17:27 PM  
Attachments: [Unsafe dev-S21.doc](#)  
[ATT00001.htm](#)

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**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi again, Mike

I'm writing to follow up on your response to my comments during last Thursday's public meeting regarding 1291 Midland.

My written submission was sent to you earlier that day (Word, 6 pgs) and dealt, in part, with errors & omissions in the Public Meeting Report. Section 3.b of my submission dealt with compliance with the PPS and focused on its Section 3.0 which deals with the need to ensure public safety near hazards (by avoiding them).

I raised the issue of section 3.0 during the Zoom meeting because Ms. Gilchrist had said that the proposal complied with PPS policies, is compatible with surrounding land uses, and constitutes good planning.

The current proposal represents none of those three.

You then explained, in reference to the PPS, that pipelines are defined as infrastructure, not as a man-made hazard and that consequently, section 3.0 was not referenced.

I had no opportunity to correct you at the time, hence this email and the attached document.

Section 3.0 should have been referenced for the following reasons:

The PPS, like the City's Official Plan, contains words that are defined and are therefore italicized to alert readers to the defined meanings. For words that are not italicized, "the normal meaning of the word applies" (PPS, pg 3).

Neither "human-made hazard" nor "pipeline" is itself defined; hence the normal meaning applies in both cases.

Also, pipelines are mentioned in the definition of *Major facilities* (pg. 46). This has much greater relevance to interpretations of section 3.0 than does *Infrastructure* because of the way that other aspects of public safety are defined.

*Sensitive land uses* are defined expressly by their potential to suffer "adverse effects from... a nearby *major facility*." There is no mention of nearby *infrastructure*.

Since pipelines are included as examples of *Major facilities*, and *sensitive land uses* such as "educational and health facilities" are to be protected from nearby *major facilities* (presumably by either distancing or by mitigating design elements), the intersection of the two should be viewed by planners as something that does not comply with either the intent or the 'letter' of the PPS.

Finally, there is nothing in the PPS that suggests that *Infrastructure* and human-made hazards

are mutually exclusive. Indeed, almost all *infrastructure* is capable of inflicting adverse effects under certain conditions.

Although I disagree with your interpretation of the PPS in this regard and am very concerned that your view appears to be common among Ontario planners (ie. that it's OK to build schools & high-rises, etc next to transmission pipelines), I do appreciate one thing about your statement last Thursday. Yours was the most plausible & most specific explanation I've received, despite years of asking multiple authorities, as to why it is believed that such development is consistent with the public safety requirements of the PPS. I believe that your understanding is incorrect but at least I can understand how you came to that conclusion.

As a courtesy, I'm sending the attached document to you first. It will then be sent to Jim Neill because I want him and his Planning Committee colleagues to be aware of the fact that I believe your interpretation was incorrect, that I fear that the same misunderstanding is prevalent within the City's Planning Department, and that unless my countering interpretation is demonstrably incorrect, there is a need for correction & clarification within the Planning Dept in order to ensure that section 3.0 receives much more attention than it has typically received and that approvals such as those that were given to the new Woodhaven elementary schools are not repeated.

The attached doc is rather long (Word, 9 pgs). It deals with three Provincial policy documents that relate to public safety near pipelines and other obvious hazards. It also cites examples of unsafe development in other cities, the implication being that Kingstonians may eventually see such development occurring here unless internal practices change.

Please examine the attachment carefully and let me know what you think. There is no rush: I've been working patiently on this issue for the past nine years. Thank you for considering my concerns.

- Rick M



**From:** [Rick Munroe](#)  
**To:** [Szilagyi, Mike](#)  
**Subject:** Re: PPS section 3.0, etc  
**Date:** September 15, 2021 10:16:59 AM

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Thanks for your prompt response, Mike.

Please let me know what you think about my understanding of the PPS and its application to the placement & compatibility of larger facilities such as multi-storey apartments and schools next to hazards such as pipelines and freight railway lines.

If I have made an error, either factually or of interpretation, I'd like to know that.

Also, when you speak with TNPI please ask them the specific question that was raised during the public meeting on the 2nd: "What volume of liquid is likely to be released during a worst-case scenario at 1219 Midland?"

If TNPI agrees to provide an answer, please ask them two further questions:

1. "What volume is likely to be released at Holden Street, next to the two new elementary schools?" and
2. "What is the time-frame on which the estimates are based?"

The latter question refers to the time that a company expects it typically takes to identify & confirm a release and then isolate the release site by shutting down the pumps and closing the nearest valves.

As was mentioned on the 2nd, it is not possible for planners or other City decision-makers to determine the relative safety of an adjacent development proposal without having at least some sense of how much fuel could be released, and how rapidly, if the pipeline should fail for any reason.

Thank you for considering these requests.  
- Rick M

On Sep 9, 2021, at 1:10 PM, Szilagyi, Mike <[mszilagyi@cityofkingston.ca](mailto:mszilagyi@cityofkingston.ca)> wrote:

Good afternoon Rick,

I appreciate the follow up email. As I mentioned at the meeting, this is still something I intend to review further and get a better understanding of. I've reached out to Trans-Northern and am waiting to hear back from them to continue the conversation. If you haven't already sent this to Councillor Neill, you can let him know you've sent it to me and it was saved to the project file for further review.

Thank you again and have a nice afternoon,

Mike

[<image001.png>](#)

**Mike Szilagyi**

(he/him/his)

Planner  
Planning Services

City of Kingston  
1211 John Counter  
Boulevard,  
216 Ontario Street Kingston,  
ON K7L 2Z3  
613-546-4291 x 3294  
[mszilagyi@cityofkingston.ca](mailto:mszilagyi@cityofkingston.ca)

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

The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

---

**From:** Rick Munroe [REDACTED]  
**Sent:** September 8, 2021 3:17 PM  
**To:** Szilagyi, Mike  
**Subject:** PPS section 3.0, etc

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## Unsafe development next to transmission pipelines

Sept. 8, 2021

\* Below is an updated version of a document that was written in 2016 and subsequently sent to various municipal and Provincial officials.

*Five years later, nothing has changed: large, vulnerable facilities continue to be built next to transmission pipelines in apparent violation of Provincial safety requirements.*

### 1. Introduction

Transmission pipelines carry large volumes of hydrocarbon fuel at very high pressures, typically between 500 and 1,440 psi (3447 – 9928 KPa). The accidental release of flammable liquids presents serious risks to public safety especially in urban environments where potential ignition sources are relatively common.

Because of the volatility of fresh hydrocarbon vapours and the unexpected nature of pipeline failures it is important that large, difficult-to-evacuate buildings be kept well away from pipelines. However, there is an ongoing pattern of placing facilities such as high-rises, geriatric homes and schools immediately next to high-pressure pipelines.

This pattern defies both prudence and Provincial policies that are as clear as they are sensible. This paper examines the discrepancy between what is occurring and what the Province requires.

Three relevant Provincial documents are examined: the PPS, TSSA's Guidelines for Development, and MECC's recent Draft Land Use Compatibility Guideline.

### 2. Ontario's Provincial Policy Statement (PPS)

#### a. Introductory sections

The PPS (2020 and earlier versions) makes the following points (page numbers follow):

- Section 3 of the Planning Act requires that planning decisions "shall be consistent with" policy statements issued under the Act (PPS, p. 2). In other words, decisions made by municipalities and other decision-making bodies must comply with PPS requirements.
- It's important to read the PPS in its entirety, note the language that is used in its various sections, and view it "as a whole" (p. 3). Doing so clarifies its intent and allows the reader to appreciate its internal consistency.
- Some policies allow for some discretion while others set out limitations & prohibitions (p. 3).
- With respect to meaning and interpretation, the PPS contains an extensive Definitions section that deals with italicized words. Significantly, the PPS points out, "For non-italicized terms, the normal meaning of the word applies" (p. 3).
- Part IV of the PPS outlines its Vision, which points to the need to avoid "areas which may pose a risk to public health and safety" (p. 5). With respect to "safety of the population" the Vision goes on to state, "The Provincial Policy Statement directs development away from areas of natural and human-made hazards. This preventive approach... protects public health and safety, and minimizes cost, risk and social disruption" (p. 6).

**b. Policy section**

The Policy section of the PPS is extensive, clear and internally consistent. Every section that is referred to below supports the view that sensitive uses such as schools shall not be placed near hazards such as high-pressure fuel pipelines. No section or definition in the PPS suggests, much less confirms, the reverse.

**Section 1.2.6** regarding Land Use Compatibility is one of several statements that are explicit on this point: "Major facilities and sensitive uses shall be planned and developed to... minimize risk to public health and safety..." (section 1.2.6.1, pg 14). Section 1.2.6.2 lists further requirements.

**Section 3.0** specifically addresses the need to protect public health and safety and provides the following prescriptive statement:  
"Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards" (p. 30). Since none of the words in this sentence is italicized, we may assume that the normal meaning of these words applies.

The normal meaning of "hazard" is a danger or a risk, a situation that poses a level of threat, etc. Given the documented consequences of pipeline failures there is no question that transmission pipelines are hazards.

Since these consequences have included multiple fatalities and extensive property damage there should also be no question that placing large populations next to high-pressure pipelines presents risks that are unacceptable for at least two reasons. The larger the facility, the greater the potential for human casualties, especially when there are evacuation constraints. Second, the risk is unacceptable because it is readily avoidable simply by locating vulnerable facilities further away from the hazard.

It is the belief of this researcher that the final eight words of Section 3.0 did not appear prior to the 2104 version of the PPS. Regardless, those eight words make a very important point, one which has been the focus of this researcher's exchanges with various municipal planners. Planners should not approve the creation of large, difficult-to-evacuate facilities next to pipelines (or railways, for that matter) in apparent defiance of prudent PPS requirements.

**Section 3.1.5** of the PPS acknowledges that certain sensitive uses require special consideration. It expressly identifies institutional uses (hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools), essential emergency services (eg. fire stations) and uses associated with hazardous substances. The PPS identifies all three uses as requiring special consideration and even some prohibitions.

Common sense indicates that the first two are highly incompatible with the third. Several definitions within the PPS are explicit in that regard and are addressed on page 3 of this paper.

**Section 3.1.7** points to the importance of the prohibitions in section 3.1.5 and allows for some development or alterations where the risks to public safety are minor. Section 3.1.7 also mentions the importance of access/egress during emergencies and the need to not create new hazards or aggravate existing hazards (section 3.1.7b & 7c, pg 33).

**Section 3.2** (Human-Made Hazards) states that development on lands adjacent to oil and gas hazards may be permitted but only if mitigation measures are taken.

### c. Definitions section (6.0)

**Hazardous substances** are defined as “substances which... are normally considered to pose a danger to public health, safety and the environment. These substances generally include... materials that are toxic, ignitable, [etc].” (p. 44).

Gasoline and other petroleum-based fuels are both toxic and ignitable.

**Infrastructure** is defined as “physical structures (facilities and corridors) that form the foundation for development.” The definition then includes oil and gas pipelines (pg. 45).

*\* This inclusion has led at least one municipal planner to claim that since pipelines are ‘defined’ as infrastructure, they do not qualify as “human-made hazards” and therefore Section 3.0 does not apply to pipelines.*

*Such narrow reading of the PPS is inconsistent with the requirement that the PPS be read in its entirety and considered as a whole, with a view to its internal consistency.*

*The PPS does not suggest, much less state, that infrastructure and hazards are mutually exclusive.*

*That said, this planner’s interpretation is the most plausible explanation I’ve received to date as to why planners apparently believe that placing sensitive uses next to pipelines is actually PPS-compliant.*

The purpose of this paper is to challenge that prevalent belief.

**Institutional use** is defined for the purposes of policy 3.1.5 and means "land uses where there is a threat to the safe evacuation of vulnerable populations... during an emergency." However, the definition seems to include only emergencies that are natural (flooding and erosion). This definition does not seem logical for several reasons: an institutional use (eg. the use of a property to serve geriatric patients) exists regardless of whether there are nearby hazards, natural or otherwise. Also, an emergency situation involving a pipeline or railway may occur much more unexpectedly and with more severe consequences than erosion or even flooding.

Regardless of the overlooking of human-made hazards in this definition, the important point is that it addresses the difficulty of evacuating vulnerable populations during an emergency (p. 45).

**Major facilities** specifically includes “oil and gas pipelines.” Major facilities are defined as “facilities which may require separation from sensitive land uses...” (p. 46).

*\* This single-sentence definition is probably the most explicit statement within the PPS regarding my general concern (ie. the placement of large, sensitive use facilities near pipelines).*

**Sensitive land uses:** “means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities" (ie. complete definition, p. 51).

*\*This definition appears to be the most explicit prohibition within the PPS against the placement of Kingston’s elementary schools and Burlington’s hospital wing next to the transmission pipeline carrying gasoline.*

**Special needs** refers to “any housing... that is used by people who have specific needs beyond economic needs...” and “housing for persons with disabilities.... and housing for older persons" (p. 52).

The important point here is that the PPS repeatedly reminds planning authorities of the importance of considering the needs of vulnerable populations.

#### **d. Summary**

When read as a whole, with the recognition that the "normal meaning" of the text applies, it is clear that the PPS emphasizes the need for Ontario planning authorities to ensure public safety, to be especially wary of the incompatibility of sensitive land uses and nearby major/hazardous facilities, and the importance of not creating new hazards.

### **3. Ontario's Technical Standards and Safety Authority (TSSA)**

Ontario's intra-provincial pipelines are regulated by TSSA's Fuels Safety Program. TSSA's *Guidelines for Development in the Vicinity of Oil and Gas Pipeline Facilities* (August 1998) contains a section titled Minimum Setbacks which states:

"A minimum setback of 200 metres shall be maintained from the centerline of pipelines to institutions where rapid evacuation may be difficult, such as hospitals, nursing homes, penal institutions, and institutions for the physically and mentally handicapped."

[https://www.tssa.org/en/fuels/resources/Documents/developing\\_vicinity\\_oil.pdf](https://www.tssa.org/en/fuels/resources/Documents/developing_vicinity_oil.pdf)

Strictly speaking, TSSA’s minimum setback requirement is not applicable to Trans-Northern or other interprovincial pipelines. However, common sense indicates that if 200 metres is viewed by Provincial safety experts as a prudent requirement, surely that fact is relevant to all similar pipelines.

In fact, international and interprovincial pipelines are often larger and present greater public safety risks than do pipelines that are intra-provincial.

### **4. MECP’s Land Use Compatibility Guideline (Draft, March 2021)**

Ontario’s Ministry of the Environment, Conservation and Parks (MECP) recently released a draft of their proposed Compatibility Guideline (133 pgs).



The proposed Guideline is neither particularly relevant nor particularly helpful regarding the problem that is the primary focus of this paper (ie. sensitive uses being permitted near pipelines).

The focus in the Guidelines is primarily on four adverse effects that are much more common than those that arise from pipelines (ie. noise, vibration, dust & odour).

That said, the minimum separation distances (MSDs) that are recommended in the Guidelines are instructive. Depending on the defined Class, these distances range between 100 – 500 metres and apply to the distance between the two property lines (ie. that of the major facility and that of the sensitive use).

With the exception of oil refineries, none of the 25 major facilities that are listed (Guidelines, Table 1, pg. 23) appears likely to cause adverse effects that could be life-threatening within minutes. Transmission pipelines can and have presented such a threat. The recommended MSD for oil refineries is 500 metres (pg. 24).

It is hoped that MECP will undertake a similar guideline for development near pipelines and freight railways.

## **5. Non-compliance: recent examples**

This researcher is aware of about twenty situations where high-consequence sites have been built next to transmission pipelines. It is worth noting that the shortest MSD that's listed in MECP's Guidelines is 100 metres and is recommended for relatively minor nuisances.

Meanwhile, the separation distance at almost all of the twenty pipeline sites is zero metres despite the potential for adverse effects that could quickly become life-threatening.

These facilities include high-rises, schools, large seniors'/geriatric facilities, a Holiday Inn, the Finch subway station and Burlington's new 7-storey hospital wing. Some of these sites were developed prior to the PPS, even prior to the Planning Act (1990) which requires authorities to "have regard to... the protection of public health and safety."

A current example of non-compliance is the pair of apartment buildings that are being built at 3415 Weston Road in Toronto. These buildings (28 and 55 storeys) are the tallest of the buildings within Medallion's Casa redevelopment at Emery Village.

Casa is bounded to the southeast by the Hydro One Networks Inc/Infrastructure Ontario (HONI) corridor, commonly referred to as the Hydro right-of-way. The corridor contains six transmission pipelines at Weston. They are owned by four companies. Enbridge's Line 9 is on the south side of the corridor and runs beside Emery Collegiate.

The other five pipelines are clustered on the north side, immediately beside Casa's new high-rises. Trans-Northern owns two pipelines and is regulated by the Canada Energy

Regulator (CER, formerly the National Energy Board). T-N's pipelines appear to be the closest of the five to the high-rises.

Sun-Canadian owns two pipelines and is regulated by TSSA. So is Sarnia Petroleum Products (SPPL) which operates a single pipeline. These three pipelines are only marginally further away from the high-rise and are much less than the 200 metre setback that TSSA requires for institutions where rapid evacuation appears unlikely. These pipelines carry refined petroleum products (primarily gasoline) at pressures in excess of 1,000 psi. They were constructed and coated using methods that are now obsolete and are now in their seventh decade of service.

## **6. Evacuation difficulties**

The TSSA setback requirement applies "to institutions where rapid evacuation may be difficult." TSSA should revise its wording to change "institutions" to "facilities" or a similar term in order to include high-rises and transit hubs that are not commonly regarded as institutions.

The potential consequences of a liquid pipeline failure are best revealed by two bodies of information: the investigative reports that have been filed following major pipeline accidents and the emergency response (ER) information that is provided by pipeline companies.

Enbridge's ER guidelines state:

*It is important that you do not create a spark if you suspect anything abnormal along the pipeline route. Potential ignition sources include smoking materials or open flames, cell phones, pagers, flashlights, keyless entry remotes and motor vehicles. If you suspect that the leak is near your home or business, do not operate the light switches, telephone or other electrical devices.*

Fresh hydrocarbon vapours are highly ignitable and can be explosive in confined spaces (eg. underground parking, subway stations, etc).

Returning to TSSA's concern about sites that may be difficult to evacuate, it's important to note that since electrical devices must not be activated when a pipeline leak is even suspected (much less amid obvious hydrocarbon vapours) then rapid evacuation in any high-rise would be impossible because elevators and even the fire alarm cannot be used without risking an explosion.

Returning to the PPS statement regarding "special needs" housing, virtually every high-rise includes "older persons" and people with limited mobility, etc.

## **6. "Good planning"**

It is hoped that this information is sufficient to convince the reader that public safety around pipelines can best be achieved if planning authorities adhere to the "preventive approach" of the PPS and its prudent safety requirements. Such adherence would

constitute good planning which is surely the goal of the Planning Act, the PPS and the training of professional planners.

Despite the stated need to not create new hazards, that is exactly what has occurred in recent years. In addition to the new high-rises on Weston, we have examples from Scarborough where two large seniors' facilities were built during the 1990s. Both facilities are immediately adjacent to a pair of pipelines that are regulated by CER. The closer of the two pipelines is Trans-Northern's refined products pipeline. It lies about 20 metres from the south wall of Yee Hong Geriatric Centre, a 5-storey facility built in 1994. Enbridge's Line 9 is a much larger pipeline (30" diameter) and lies a few feet further away.

The pipelines are much closer at Villa Elegance, a 12-storey seniors' condominium at 3088 Kennedy. Here, Trans-Northern's marker is about 15 feet away from the south wall and Enbridge's is about 20 feet from the wall. Villa was built in 1999.

When this researcher asked City of Toronto planners why these sensitive facilities were approved in apparent contravention of the PPS, this reply was received from a Planning Director: "Further to our previous responses, it is staffs [sic] position that the referenced developments are consistent with Provincial Policy Statements and that the development is good planning" (Feb. 23/16 e-mail).

Clearly, there is a great discrepancy between what the Toronto planning team considers good planning and what the PPS envisions. Indeed, they are diametrically opposed: the PPS repeatedly points to the incompatibility of sensitive uses and hazards such as pipelines. Consequently, the PPS sensibly requires that the former be directed away from the latter. Meanwhile, Villa could hardly have been placed any closer to the Trans-Northern pipeline, an arrangement that the Toronto planning team apparently still views as "good planning."

If this is the prevailing view among Ontario planners (and it appears that it is) we must expect that such development next to pipelines will continue, as evidenced by the much taller buildings beside the five pipelines at Weston.

If the Province is serious about its goal of not creating new hazards or aggravating existing hazards then action, not more policies, is required.

Clarity does not seem to be the problem: although a few changes in wording could help, both the PPS and TSSA's setback requirement are clear and prescriptive. The problem is one of compliance, which in turn can result in a rather pernicious pattern: ie. long-standing noncompliance eventually leads to a disregard for regulations & requirements, even when they have a direct bearing on the safety of vulnerable citizens whose welfare planners are paid to preserve.

In its extreme, this pattern can foster the reckless view that placing large populations at risk of possible sudden incineration is actually "good planning." In the case of Villa,

Enbridge's estimate of a worst-case release at this location is over 800,000 litres within 13 minutes.

My point about sudden incineration is by no means an exaggeration: it would be nothing short of miraculous if such a large vapor cloud did not ignite while firefighters were trying to evacuate 12 storeys of seniors... without the use of elevators.

## **7. Prudent development near pipelines: a few suggestions**

### **a. for pipeline companies**

Pipeline companies are routinely circulated regarding development near their rights-of-way. Although companies unfailingly express concerns about activities that could present risks to their pipeline, companies rarely express any concern about the risks that would be presented by their pipeline if it were to erupt.

Companies should provide accurate, meaningful information when circulated and indicate that despite confidence in their pipeline, accidents do occur. Companies should point out that a worst-case scenario would release large volumes of flammable fuel without warning, presenting a sudden and life-threatening emergency requiring immediate evacuation, and that for these reasons sensitive uses should be directed elsewhere.

### **b. for planning authorities**

Planners need to understand the particular attributes of the transmission pipelines in their area. Planners should know such details as operating pressure, diameter, products carried, expected 'volumes out' if a release were to occur, etc.

When pipeline companies fail to mention the public safety risks from their pipelines, planners should not interpret this as an indication that the risks are minimal and that development is therefore safe to proceed. This possibility can be eliminated if planners comply with the PPS and adhere to the setback requirements of the TSSA.

### **c. for the Province**

The Province cannot monitor all development near pipelines: Provincial authorities need to trust that local planners will ensure that their approvals are prudent and compliant. That said, the Province should "trust but verify" and hold planners accountable when it is clear that public safety has been compromised and policies violated.

### **d. for the Canada Energy Regulator**

As with the Province, CER cannot monitor all development near pipelines. However, when there is evidence that other authorities have not been upholding public safety requirements, action at the federal level may be required.

It is hoped that evidence that has been submitted to CER regarding the twenty identified sites is sufficient to convince the Regulator that Provincial oversight is insufficient: long-standing policies and requirements that have been enacted to keep people safe are being ignored.

Indeed, the situation has reached the point where planners in our largest city publicly assert that development that clearly contravenes the PPS is in fact "good planning."

**Closing statement**

The purpose of this document is two-fold. I would like to learn whether my interpretation of Provincial requirements is correct. If I have misunderstood either the intent or the 'letter' of something, I invite correction or clarification on any point.

Second, my hopes are that my understanding is correct, that this understanding will be shared among municipal and Provincial decision-makers, that a renewed focus on specific public safety requirements (eg. PPS, section 3.0) will result, and that the current practice of placing schools & high-rises, etc near transmission pipelines will stop.

Thank you for considering my concerns... sorry to go on so long.  
I welcome all responses.

- Rick Munroe

email: [REDACTED]

**From:** [Joe Stilwell](#)  
**To:** [Szilagyi, Mike](#)  
**Subject:** Question  
**Date:** September 2, 2021 12:27:54 PM

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**CAUTION:** This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Mike

My name is Joe Stilwell, I have a business on Midland Ave. right by where the new proposed plan is for Midland Ave. and Tivoli.

I was just wondering if I can put a request in for the area that is being developed? Not sure if this would be possible, but would love to see a small off leash dog park placed in this area. Would be great for all the land owners around the space. Think something with artificial turf.

To be honest about what that would be great. I bring my dogs to work sometimes and use that field for quick walks and pee's for them sometimes. A dog park would be awesome.

Thanks for your help and let me know if I can submit a request online.

Thank you for your time.

Take Care

--

**Joe Stilwell | Founder**

Email: [REDACTED]  
Office: [REDACTED] Cell: [REDACTED]  
Web: [REDACTED]



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**From:** [Ernie Smith](#)  
**To:** [Szilagyi, Mike](#); [Chapelle, Simon](#)  
**Subject:** Proposed developments at midland Ave and Tivoli  
**Date:** September 3, 2021 9:46:18 AM

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Hello,

I watched the planning meeting last night regarding the proposed development at Tivoli Ave and Midland Ave and I hope that city staff and councillors are reminded that the parkland dedication bylaw that exists states the following for cash in lieu specifically section 18 where the proposed development does not meet the threshold for any of the subsections unless the city has identified better space in which to buy land near the development to use the money to buy for parkland outlined in subsection d. There is plenty of open green space on Kendall Ave near the development that could potentially be purchased from the Greens and is in the impacted community.

Also I found it was in very poor taste that the IBI group representative stated that because the proposed townhouses have private 7m backyards and the 5 story apparently building has balconies that public green space is unnecessary. By that logic there doesn't need to be any parks in Kingston's west and east ends because most of the residents have backyards to use. Talk about lack of care for the benefit to the community they are building in?.there is plenty of space in the 3 proposed rectangle parcels of land that the IBI group has proposed development on that have frontage on Tivoli Ave. Also parking space buffers with some shrubs and a tree are not park space. Maybe the developer could utilize underground parking for the parking of the apartment building instead of paving over the entire lot or bring down the size of the building to 3 stories which would require less parking and use that space for a park.

Also the proposal stating that the Invista Centre is 800 meters away from the development is correct but failed to state that this is accessible by car only. If someone were to walk there they would need to use the 60km roadway on midland Ave to get there and risk being struck by a vehicle in doing so. There are no sidewalks to get from the proposed development to the Invista centre or Walmart/Loblaws without risking your life at this time. There is only one bus route (route 15) that comes around once an hour and isn't very convenient or promoting kingstonians to get active and walk and is a very dangerous concept in my opinion.

As Simon Chappell stated during the planning meeting the traffic plan and traffic counts do not adequately reflect the traffic on midland Ave and Tivoli and fail to address increased traffic on Sierra Ave as well as this street will be a cut through from bay ridge drive and midland Ave (it already is for a lot of commuters). Mr. Chavez also pointed out that that city of Ottawa is referenced in the traffic impact study. Was this simply a copy and paste job? Are the numbers and data actually true? Was the equipment functioning properly to proper standards? I believe a new traffic study is needed for this proposed development as anyone in the neighbourhood will tell you it is much busier and dangerous at that intersection than what the proposal has outlined. I understand city staff approved it but I believe further investigation is needed and errors were made that were overlooked by city staff for this proposal. Midland Ave is a direct route from/to highway 38 and the 401 to Walmart, loblaws, catarauqui town centre and generally people are still driving 80km/hr+ on midland Ave. I know this because they tailgate me as I pull out from Tivoli onto midland Ave as I'm doing 60km/hr almost daily. A set of traffic signals at this intersection would provide traffic calming and deter people from using midland Ave to avoid all the lights on Gardiners road. As stated before does

development offer any community benefit or safety as it stands by the developer?

The developer stated that they are proposing that multiple vehicle mechanics and garages be used in the commercial space is this going to be set in as the only businesses that the owner of the property be allowed to have occupy the space? It seems to me that they are only proposing this as it means less set backs and requirements and to their advantage only and not to the advantage of the community. I personally believe that this is a bait and switch and it is not reflective of what type of business will actually occupy the space but by the time the space is occupied by something it will not be of the original intent set forth by the developer. Unless the developer already has that many vehicle service companies lined up to occupy the space i think it should be considered as general commercial/retail and not mechanic/ vehicle service centres.

Also as noted a few times during the planning meeting it seemed that the IBI group was not fully prepared for this public consultation meeting and slapped this public presentation together rather quickly and could not answer simple questions from committee members (bike parking space, impact on climate, carbon footprint, does it promote sustainability and the environment) from council and some from the community members. Unlike the first public meeting presentation for the evening for the princess st and Albert street development which was very well prepared and had incorporated many aspects of the project in their presentation the IBI group I suppose didn't feel they needed to do the same for concerned area residents of cataraqui west.

I also have concerns regarding the private roadway proposed in the plan not being large enough to accommodate on street parking and the overflow of parking on Tivoli Ave that this will create as seen in other neighbourhoods where the garages are not big enough to put more than a sub compact car in people will park their cars on the street and if the development doesn't accommodate their proposed increase in density within the project it will have a negative effect on the surrounding neighbourhood. To go along with this the developer is assuming that the city of Kingston solid waste division and recycling will expand their route and use the small private drive to pick up the waste generated by the proposed townhouses. The neighbourhood already has issues with how long it takes for recycling and garbage to be picked up sometimes it sits out for 24 hours before the recycling truck gets around to our house. Will the city be putting more resources from its workers and contractor for recycling into the neighbourhood to reflect this impact or will we now have to wait more than a day to have our recycling picked up? Also is the private driveway being proposed large enough for garbage, recycling trucks to fit through safely as well as fire response? If it can't support on street parking how are people going on to be able drop things off like furniture or Amazon deliveries safely?

I think a second public meeting should required by the IBI group and they should have to be fully prepared to answer questions at the meeting and bring all information to the meeting for the public. It really brings into question with a lot of things what are they trying to hide or push through?

Thank you,

Ernie Smith



**From:** [Paul Chaves](#)  
**To:** [Szilagyi, Mike](#)  
**Subject:** RE: CITY FILE NUMBERS: D14-007-2021, D10-010-2021 AND D11-011-2021  
**Date:** September 3, 2021 9:21:20 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
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Morning Mike,

Thank you and the below is okay. I just wanted to share it just in case I ran out of time during my allowed time.

I would like to add a question/concern to Mrs. Gilgrist's answer to my question regarding affordable housing, as I don't believe she answered my question directly and skirted the question. Yes, I would agree with her statement in that normally, townhomes are a stepping stone to a single detached home. However, affordability is a matter of perspective. In today's real-estate market affordability is not the same as it was, even just a few years ago. Town homes are easily going for \$300, 000 if not \$400, 000 or even more. I would not state this to be affordable for the regular worker, working one or maybe two jobs at minimum wage. For these residents, affordable would have to be below \$300, 000 and more likely below \$200, 000. Maybe to be to direct, what are the developers projected price for these townhomes?

I understand this developer is the same developer for the development at the intersection of Centennial and Cat Woods. There are also townhomes at this development, which I have noticed are already occupied. How much did those sell for? This would give a good indication as to how much the townhomes in question well sell for.

The above can also be said for the apartments. Yes, apartments are generally more economical for residents than purchasing a home. But again this is not always the case. Rent of \$1, 200 or \$1 600 per month is not affordable to the same residents I mentioned above. Will there be apartments being rented below \$1, 000?

Does the City have a definition of what qualifies as affordable housing? For both houses and apartments.

As mentioned last night, 25% of new residences are to be affordable. Will this project meet this requirement?

Thank you,

Paul Chaves

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**From:** [Szilagyi, Mike](#)

**Sent:** September 2, 2021 3:23 PM

**To:** '[Paul Chaves](#)'

**Subject:** RE: CITY FILE NUMBERS: D14-007-2021, D10-010-2021 AND D11-011-2021

Good afternoon Paul,

The City Clerk needed any public correspondence to be in prior to noon today for it to be included in the addendum to tonight's meeting. I included your earlier two emails but this one, and any other comments you may provide in the future, will be included in the comprehensive report when this ultimately goes back to Committee for their final consideration and recommendation.

You still can also register as a speaker for tonight's meeting, if you'd like to make any other comments.

Again, these comments will still be saved to the project file and included in the future report, they just won't be included in tonight's report.

Regards,

Mike



**Mike Szilagyi (he/him/his)**

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The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

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**From:** Paul Chaves [REDACTED]

**Sent:** September 2, 2021 3:13 PM

To: Szilagyi, Mike

Subject: RE: CITY FILE NUMBERS: D14-007-2021, D10-010-2021 AND D11-011-2021

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Hi Mike,

Thank you for the below responses.

I would like to ensure my final concerns are included in the above mentioned file. Please see below.

I would like to thank you for the opportunity to speak to this proposed project. I would like to first state, I am not apposed to a development on this parcel of land. My main concern is the proposed intensity of the proposed project. The current zoning is for low density which does not include the high-density proposed apartment building.

However, there are many other concerns I have after reading all of the related reports. Many of these I have already shared with the City Planning Department. I will highlight a few of the important concerns.

The first being the pipeline along the south line of the property. There are both Federal and Provincial regulations and requirements which need to be followed. I believe not all of these regulations and requirements are being followed. One of these being the location high density buildings near the pipeline and the requirement of time sensitive evacuations in case of a pipeline emergency.

I am aware a water pressure study has been completed with no concerns noted. Many residents have they have issues with their water pressure. This proposed project will only increase these concerns. I was informed Utilities Kingston was unaware of any water pressure issues in this area. I have shared this information with the area residents and would expect Utilities Kingston will be receiving water pressure concerns from the area residents.

I have many concerns regarding the Traffic study conducts. It was conducted during the Covid pandemic when the amount of traffic was dramatically reduced, the traffic numbers traveling south on Midland Avenue is not consistent through all the intersections within the Exhibits, Tivoli traffic is the same for all three years, and article 6.2.1 states 'Ottawa'.

The information within the Traffic Study appears to incomplete and includes misinformation. The creditability of this report should be in question and a new report should be conducted.

There are a number of inconsistencies with what is proposed and City minimum standards regarding the townhomes, such as lot frontage is only 20', the proposed driveway width is only 2.74m and one group of townhomes includes 10 units.

It was suggested the attached garage would provide this minimum requirement.

Unfortunately, today's contractors have made garages so small that only small compact vehicles would be able to park in them. Not everyone drives sub compacts. I don't think the city should only request the minimum standards as this would not allow for the betterment of the City. I think it is easily to agree there are not many single vehicle households in today's society. So, where are they going to park? This will cause further issues with service vehicle access such as garbage, snow removal and emergency vehicles.

The City of Kingston has a strategic plan regarding increased affordable housing. Exhibit E Preliminary List of Applicable Official Plan Policies 3.3.10.a) states a minimum target of 25% of all new housing in the City be affordable to low and moderate income households. Are there any affordable housing included within this project? I would expect with the increase in building supply prices, it would be difficult for any form of affordable housing in any form.

Exhibit E Preliminary List of Applicable Official Plan Policies 2.1.4.f) refers to secured public access to bicycle storage and parking. I did not see any plans within the proposal for either of the plaza or apartment for bicycle parking. The City has been encouraging residents to reduce vehicle traffic and increase walk, roll and cycle. The City has also been improving bicycle access with more bike paths. But will there be somewhere within this project for cyclists to secure their bicycles.

The proposed apartment only includes 3 accessible parking spaces. Accessible parking spaces are to be determined by the potential occupancy of any building. This apartment includes 49 apartments and one study estimated 2.7 residents per residence. This would make for approximate 150 apartment residents, not including visitors. I am concerned 3 accessible parking spaces will not be sufficient. Accessibility has been and continues to be an increased concern in very community and increased steps are being taken to increase accessibility for those with mobility issues. I do not believe we should limit those with mobility issues to only 3 parking spaces.

Concerns regarding the lack of green space and impact on the climate. The City has a green initiatives. There is no real green space within this project. Most apartment buildings include a park. This is not one within this proposal.

I would like to end by requesting the proposal development be approved without the 5 story apartment building and maybe it could be replaced with a park for the townhome residents.'

Thank you,

Paul Chaves

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**From:** [Szilagyi, Mike](#)

**Sent:** August 27, 2021 9:28 AM

**To:** [Paul Chaves](#)

**Subject:** RE: CITY FILE NUMBERS: D14-007-2021, D10-010-2021 AND D11-011-2021

Hi Paul,

Please see below for answers to your new questions. Also, please note that your questions previously submitted and these new ones will be provided to the member of the Planning Committee in advance of the meeting. They may not necessarily be addressed at the upcoming public meeting, however members of the Committee may choose to pose the questions themselves. If you do intend to speak, you can pose the questions yourself, however the questions will be addressed in a future planning report.

Regards,

Mike



**Mike Szilagyi (he/him/his)**

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The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

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**From:** Paul Chaves [REDACTED]  
**Sent:** August 23, 2021 11:42 AM  
**To:** Szilagyi, Mike  
**Subject:** RE: CITY FILE NUMBERS: D14-007-2021, D10-010-2021 AND D11-011-2021

Morning Mike,

Thank you for sharing the response regarding my 4<sup>th</sup> question.

I do have some further questions, after reading all the reports on DASH.

First, regarding your answer to my question 7 for clarification. So, all questions and concerns brought forward to you will be addressed and answered during the planning committee meeting?

1. What is the currently zoning density for this lot? Is it not zoned for low density? And is not the proposed development plan be either medium or high density? Which would not fit with the current plan for this area. **The current zoning only permits a very limited level of development, essentially a single dwelling. As such, in this case, the Official Plan is the primary document dictating the vision for the land and in this instance the Official Plan designation of Arterial Commercial is intended to permit commercial uses which are oriented largely toward the travelling public and also does contemplate medium and high-density residential uses for the site.**
2. In question 2, below, you shared the current zoning for this property is 'development zone' to which this zoning has a fairly limited list of permitted uses including an existing single family dwelling, an accessory dwelling house and a number of non-residential uses. I am not sure how a 49 unit 5 story apartment building constitutes a single dwelling residence. **The proposed development does not comply with the existing zoning, as such, the applicant has requested an amendment to the Zoning By-law to permit the various uses proposed. The requested zoning is tailored to the proposed uses such that 3 new zones would be introduced. One would apply to the Townhouse portion, another to the Apartment Building portion and lastly a third to permit the Commercial use.**
3. There is a pipeline which runs along the south side of this property. Correct me if I am incorrect, but there are restrictions and guidelines which need to be followed related to nearby construction. One of these would include the proximately of medium and high density buildings which are not able to be evacuated quickly. I would have concerns the apartment building falling into this category. The plaza may has well, but more concerned with the apartment building. **That is correct, there is a pipeline which runs roughly east/west along the southern property line. There are some restrictions including restrictions on any construction within 30 feet on either side of the pipeline. As part of the Technical Review of these applications, Trans Northern Pipeline Inc. has been circulated, so if there are any concerns related to proximity to the pipeline, this will be identified.**
4. There does not appear to be any green space identified within the development plans. No park or anything. Just buildings and pavement. Kingston states it is an environmental friendly city, but this project just not fall within the City's vision. My understanding is most apartment buildings have their own park for the residents. If the response is for the residents to walk/drive to local parks in the area, I do not believe this was considered in the traffic study. Not to mention, sidewalks were not in the development plan. **As part of any new residential development, parkland or more often cash-in-lieu of parkland is required. That will be the case here where the developer, at the time of construction, will be required to provide funds for that parkland dedication. Beyond that, the application does include amenity space and landscaping in accordance with the Zoning requirements. A Landscape Plan was submitted and is available through DASH. Additionally, a sidewalk is proposed along Tivoli, as part of the development.**

5. The traffic study was conducted during a pandemic and does not appear to take into consideration the reduced traffic flow due to the number of lockdowns. **The Traffic Study will be reviewed by the City's traffic engineers. If there are any concerns with the data collection or conclusions, this will be communicated to the applicant.**
6. Still concerned where/how everything proposed is going to be located within the property. Not only the suggested buildings but also the 198 parking spaces. **Noted.**
7. Tree information number of existing trees proposed to be removed is zero. However, it appears a number of trees and shrubbery has been removed as by the appearance of the number of piles of cut vegetation. If the Developer is able to violate current agreements/permits, how are we to expect they will complete everything agreed to in the future? No trees to be planted? What are the Community improvement areas under schedule 10 of the OP? **Prior to submission of these applications, there was an application for a permit to remove several trees on the property, which was granted. Along with your question 10 below, the trees were removed in conjunction with the Site Alteration Permit. Schedule 10 identifies the entirety of the City of Kingston as a Community Improvement Area, this provides Council the power to focus efforts in any specific portion of the City where they identify a deficiency of some kind. These are listed in 9.8.5 of the Official Plan but include things like have a large number of derelict buildings, areas where servicing or accessibility is a great concern, a high number of building vacancies, etc. Council can then direct funds to help improve and address these concerns through various programs.**
8. Are there results of the Hydrogeological study referred in the reports? **A Hydrogeological Study was not required as the City only requires that type of study where private services are proposed. As this site is connected to Municipal Services, the Hydrogeological Study was not requested.**
9. Tree permit to remove 5 trees. Majority of trees removed. I drive by there fairly regularly and the only trees I see are on the perimeter. This goes hand in hand with number 7. **Noted. These applications are also being reviewed by the City's Forestry department who are aware of the initial Tree Removal Permit application.**
10. Site alteration permit: what material is being stockpiled? There is no further information regarding this. I will expect no further work will be completed considering end date on permit is July 31<sup>st</sup>. **I do not have the specifics of the materials being stockpiled but my understanding is that the Site Alteration Permit was granted in order to allow for some construction materials to be stored on site for another nearby development project.**
11. Planning rationale: There appears to be inconsistencies with what is proposed and City minimum standards regarding the townhomes.
  - a. Lot frontage is only 20'. Taking into consideration the driveway, how is anyone going to be able to park a vehicle in front of their home? The driveways are only large enough for one vehicle. I think it is easily to agree there are not many single vehicle households in today's society. So, where are they going to park? This will cause further issues with service vehicle access such as garbage, snow removal and emergency vehicles.
  - b. Proposed driveway width is 2.74m and not the regulated 3.0m.
  - c. Maximum number of townhomes is 8 and the developer is asking for one unit containing 10. Which I believe will be the one located nearest the pipeline.  
**Yes, these deficiencies have been identified by the applicant and relief from these**

various provisions are being requested as part of the Zoning Amendment. Regarding parking, each unit includes an attached garage which provides for the minimum required 1 parking space per unit. An additional space could be provided with the driveway but this would be in excess of what is required per the Zoning By-law.

12. Traffic Study:

- a. There is no proposed sidewalk extension on Tivoli.
- b. Exhibit 4. Traffic traveling south past Macrow intersection is much higher than traffic passing by Tivoli. Where did the 'extra' traffic go? Not that many vehicles would have gone into the second entrance of the plaza. There appears to be an error in this report. The same can be said regarding the other exhibits, as the numbers do not match.
- c. The Tivoli traffic is the same for all three years. No increase even with the development. Study talks about percentage increase for population growth but none shown here. And this is with 83 residential units being developed, not including the traffic from the plaza.
- d. 6.2.1 of the report states 'Ottawa'. This demonstrates a cut and paste report. As such, I would question the reliability of everything written within this report. One can not truly state what is Kingston information and what is Ottawa information. The creditability of this report should be in question and a new report should be conducted.
- e. Conclusions & Recommendation:
  - i. Short 11 parking spots for the commercial unit.

The Traffic Study is also reviewed by City Traffic Engineers as part of the Technical Review. I will share these comments with them but any deficiencies in the Study will likely be flagged by Staff.

13. Service Report:

- a. Based on 32 townhouses, 45 unit apartment and commercial unit. (this is short to the requested development.) Estimated population 224 persons or 2.7 persons per unit. Report does not state how this development is going to affect the current area water pressure issue. Similarly, this report will be reviewed by the appropriate technical review personnel and any issues with the report will be identified.

14. Stormwater Management Report:

- a. Erosion & sediment control during construction. What are mud mats? What is City roadway cleaning and who would the developer go about doing this? Mud mats are an apparatus that is laid down on the ground, in this case at the entranceways, to help shake off any debris that is picked up by machinery so that it is not carried off site and through the city, potentially causing safety issues. The cleaning is done by a contractor hired by the developer during construction. They similarly ensure that debris is kept off the roadway limiting the tracking of material (dirt, stones, etc) off-site.

15. One final question which is related to my question regarding parking above. Correct me if I am incorrect, but this is a private residential neighbourhood? With private laneways within it? The only City roadways are the ones which run along the outside of this property, Midland Ave and Tivoli. Does this mean the City is not responsible for the snow removal for this area? And similarly, not responsible for waste collection as well? And as such, the developer will



have to manage both snow removal and waste collection for the residents of this development? Or will there be 34+ bags of garbage, green bins and recycling bins along Tivoli? **Municipal waste collection will be available for the proposed residential units. There is the options to opt-out and use private services, however that will be determined at a later date. In either case, it will be a condition of approval that waste collection is provided for the development. The commercial use will, like other commercial developments, have to provide private waste collection services.**

**As for snow removal, the owner will similarly be required to supply these services as part of approval of the development. The Townhouse development may provide separate services as this portion of the development will be managed similar to a Condominium with common elements. Again, in any case, these services will need to be provided as part of final approval.**

16. Below you mention each speaker at the planning committee meeting will only have 5 minutes to speak. Does this include if the speaker has a question for the committee and the response from the committee? As this would not be a true 5 minutes. Or will speakers be allowed to ask their questions first and then have 5 minutes to speak. **Speaker will have a total of 5 minutes to pose any questions and provide comments. Normally, the Chair allows several speakers to present consecutively and then turns to the applicant and/or staff to respond before moving on to the next set of speakers. Questions/comments can also be submitted in writing and these will be shared with the Committee members where the presentation can then focus on the main points you would want to express or have answered. As mentioned earlier, the questions if not addressed that evening, will be addressed in a future Planning Report.**

Thank you and be safe,

Paul Chaves

Sent from [Mail](#) for Windows

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**From:** [Szilagyi, Mike](#)

**Sent:** August 20, 2021 1:10 PM

**To:** '[Paul Chaves](#)'

**Subject:** RE: CITY FILE NUMBERS: D14-007-2021, D10-010-2021 AND D11-011-2021

Good afternoon Mr. Chaves,

I heard back from my contact at Utilities Kingston and they provided the following in response to your question #4 in your original email:

Unfortunately, we are unable to determine the amount of pressure in a specific area without more detailed information. Generally, water pressures in that area of the City are within the normal limits and nothing has been done to manage pressures within the region. If localised areas of low pressure exist, Utilities Kingston would have to conduct a detailed analysis in order to identify the cause. With regards to any individual development proposal, the applicant is required to demonstrate that sufficient capacity exists to both provide sufficient servicing supply to the new development and ensure that any pre-existing development in proximity to the site are able to maintain acceptable levels post construction. If insufficient servicing is identified, it is the responsibility of the developer to upgrade services to achieve that requirement.

Regards,

Mike



**Mike Szilagyi (he/him/his)**

Planner  
Planning Services

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613-546-4291 x 3294

[mszilagyi@cityofkingston.ca](mailto:mszilagyi@cityofkingston.ca)



The City of Kingston acknowledges that we are on the traditional homeland of the Anishinaabe, Haudenosaunee and the Huron-Wendat, and thanks these nations for their care and stewardship over this shared land.

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**From:** Szilagyi, Mike  
**Sent:** July 12, 2021 5:19 PM  
**To:** Paul Chaves  
**Subject:** RE: CITY FILE NUMBERS: D14-007-2021, D10-010-2021 AND D11-011-2021

Good afternoon Mr. Chaves,

I've responded to your questions below in red. The supporting materials for the applications can be viewed and downloaded on the City's DASH website [here](#). You can search up the site by address (select the second 1291 Midland with an "NA"). On the next page, under record info in the top left hand side of the page, select supporting information which will give you access to all the materials submitted in support of the applications. As we are just starting our review of the applications, we don't necessarily have a response to all your questions. I've either noted your comments or direct

you to the supporting materials for items that we are currently reviewing.

If you have any additional questions, please don't hesitate to contact me.

Regards,

Mike



**Mike Szilagyi, MCIP RPP**

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**From:** Paul Chaves [REDACTED]  
**Sent:** July 12, 2021 12:25 PM  
**To:** Szilagyi, Mike  
**Subject:** FW: CITY FILE NUMBERS: D14-007-2021, D10-010-2021 AND D11-011-2021

Sent from [Mail](#) for Windows 10

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**From:** [Paul Chaves](#)  
**Sent:** July 12, 2021 12:21 PM  
**To:** [mszilagyi@cityofkingston.ca](mailto:mszilagyi@cityofkingston.ca)  
**Subject:** CITY FILE NUMBERS: D14-007-2021, D10-010-2021 AND D11-011-2021

Afternoon Mr. Szilagyi,

I am contacting for more information regarding the above planned projects scheduled for 1291 Midland Avenue. I have had many conversations with a number of my fellow neighbours regarding this project. With every conversation there appears to be just more questions and concerns surrounding this project instead of answers. I am hoping you may be able to provide some answers to our questions/concerns;

1. Who exactly is receiving the City of Kingston notices? My neighbour to the south of me has received two notices, however I have not received any. Does this mean neighbours to the north of me and those on Birchwood will not be receiving these notices? This project is going to have a greater impact on the neighbourhood than just those residing within a 10 residence area on either side of the project. **The Planning Act requires that we send direct mail notices to those properties within 120 m of the subject property. So, it's possible that properties located on one side of a street will receive a notice while the other side won't, it's all based on a 120m radius out from the subject property. Signage will also be posted on the property to notify the public of the applications.**
2. Can you please share the exact current zoning for this property? **The current zoning of the property is "Development Zone", this zoning has a fairly limited list of permitted uses including an existing single family dwelling, an accessory dwelling house and a number of non-residential uses such as a cemetery, church, farm other than a specialized farm, a fraternal lodge or community centre, a public use, or a seasonal fruit, vegetable, flower or farm produce outlet. The details of the zoning can be found in By-law 76-26 [here](#). The provisions of the Development Zone is found in section 29, which is page 619 of 657**
3. One of the greatest concerns is the density of this project. I understand there is a proposed 34 townhome project on the west end of the property, over 4 blocks, and its own lane way off Tivoli. As well as, a 49 unit 5 story apartment building with 68 parking spaces and its own lane way off Tivoli as well. This is an increase of 83 residences in a very small area. One can easily presume these will not be single dwelling units. We are not against having more neighbours, but the impact this significant increase in local residents will have on this neighbourhood.  
**Noted.**
4. Can you please share the current status of our local water pressure? I was once shared our water pressure had not been turned on to the fullest amount due to the continued construction in our area. Can you please share if our water pressure has been turned on to its fullest? This is a major concern of ours. We have noticed the water pressure over the past few years have actually been decreasing. I can only presume this is directly related to the increased residential homes in the area. This only increases the concerns with the above mentioned project. What plans does the City have to address this problem? **I don't have that information on hand but will discuss internally and see if we can get this information for you or alternatively who you can contact for further information.**
5. Can you please share if a traffic study was conducted for this project? Traffic is a major concern **A traffic study was prepared in support of the application and it is currently under review by the City' traffic engineers to assess the findings of the study. The study can be downloaded from the link I shared above. The report may address some of your concerns below.**
  - a. Turning left or right off Tivoli onto Midland Avenue is currently difficult and potentially hazardous. Having a minimum of an extra 83 vehicles will only add to this problem. Is the City planning on providing some solutions to this problem? Traffic lights at the intersection at Tivoli Avenue and Midland Avenue?
  - b. The all way stop at Tivoli Avenue and Sierra Avenue is not a safe intersection either. Many expect other vehicles to stop and decide not to themselves. The above mentioned increased traffic will not assist with this current problem.
  - c. There is no left turn lane on Midland Avenue and the entrance off Midland Avenue for

- the projected plaza on this property will only add to the current traffic issues, especially with it being so close to the Tivoli Avenue and Midland Avenue intersection.
- d. Vehicle traffic will not be the only increased traffic due to the completion of this project. Pedestrian traffic will be increased as well, especially those who decide to walk to the projected plaza. The sidewalk on Tivoli only goes a short distance from Sierra, just past the bus stop. Does the City plan on expanding this sidewalk all the way to Midland Avenue?
  - e. Speaking of pedestrian traffic, will the City be installing a sidewalk on Midland Avenue? Midland Avenue is on a bus route with a number of bus stops located on Midland Avenue. However, bus riders and other pedestrians have to walk along the edge of this very busy vehicle roadway. This only becomes even more dangerous during the winter with all the snow plowed towards the side of the road, leaving nowhere for pedestrians to walk safely.
6. Drainage and sewage is also another area of concern. I will not go into great detail concern as to the reasons, as they are similar to the issues with water pressure. With the large density of this project it will have a greater impact on both drainage and sewage for this area. Does the City have a plan to address these issues? The City would have made long range plans for water, drainage and sewage basis on the then zoning. What are the project impacts of this change in zoning and increase project density? *As part of any development project, the applicant will be required to show that all drainage and sewage can be managed on-site (in the case of drainage) or be directed to municipal services and that capacity exists within the municipal service to absorb the proposed development. Development will not be permitted until the City is satisfied that there is sufficient servicing capacity to absorb a proposal.*
7. The letters speak to upcoming meeting and the requirements to be able to participate and express concerns. The letters are written in more legal language instead of layman terms. Can you please share how someone would be able to participate in these meetings. *That's right, there will be a future public meeting where the applicant will present the application and this will include an opportunity for members of Planning Committee as well as the public to ask questions or provide oral comments on the application. Based on our internal scheduling, it's unlikely this meeting will happen until the fall, which is why details haven't been shared. Once a date has been set, 20 days in advance of that meeting, notification will be posted which will provide more detail on how to participate. The meeting will be a zoom meeting and you will have the opportunity to register to speak where you will have 5 minutes to present your comments/questions. Alternatively, at any time, you may submit written comments to me directly. These will be saved to the project file and if received prior to the Public Meeting, will be included in a report prepared for that meeting. If received after the Public Meeting, the comments will form part of a future planning report and will be addressed therein.*

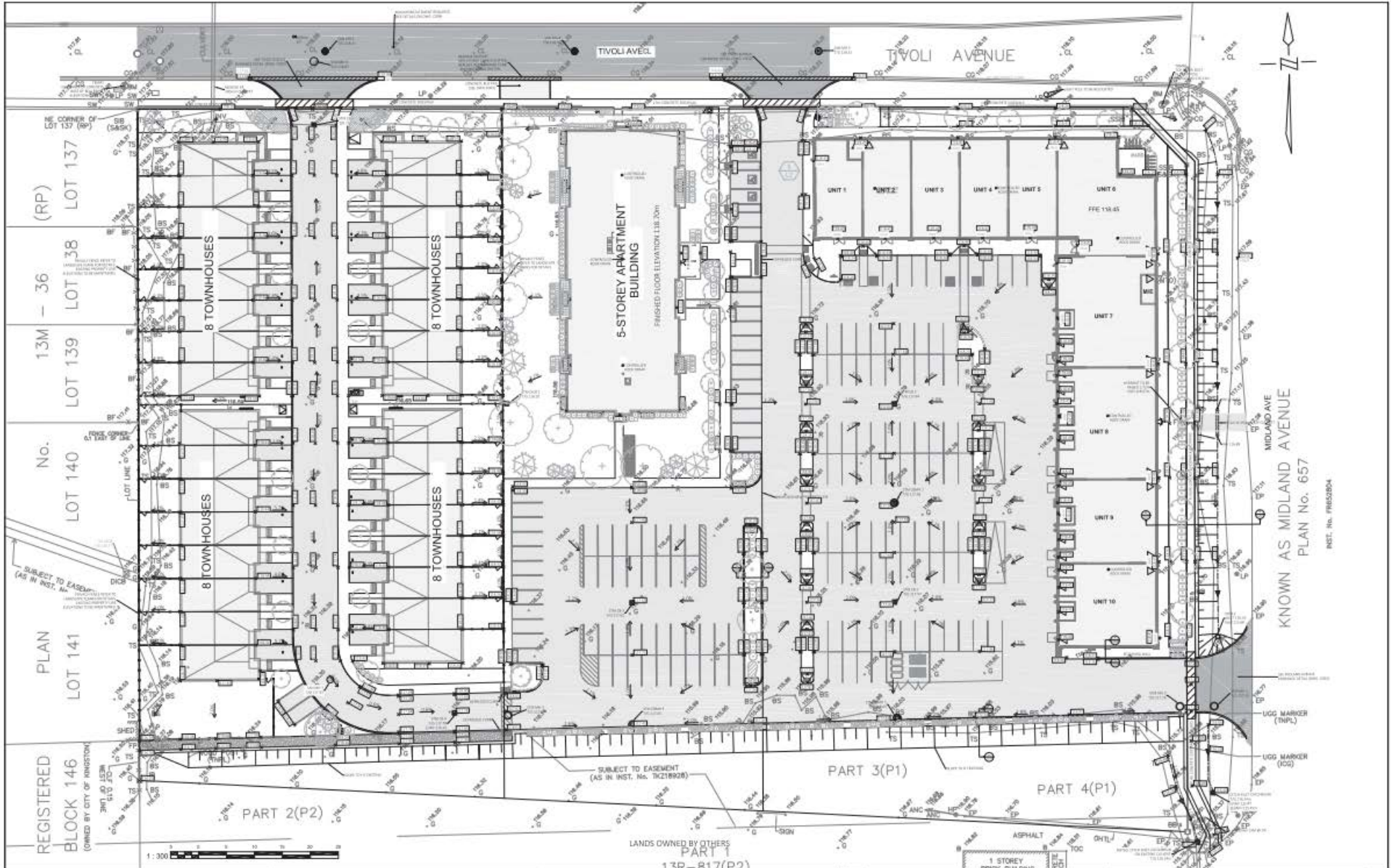
Thank you in advance for responding to the above questions and your assistance in this matter is greatly appreciated.

Paul Chaves  


[REDACTED]

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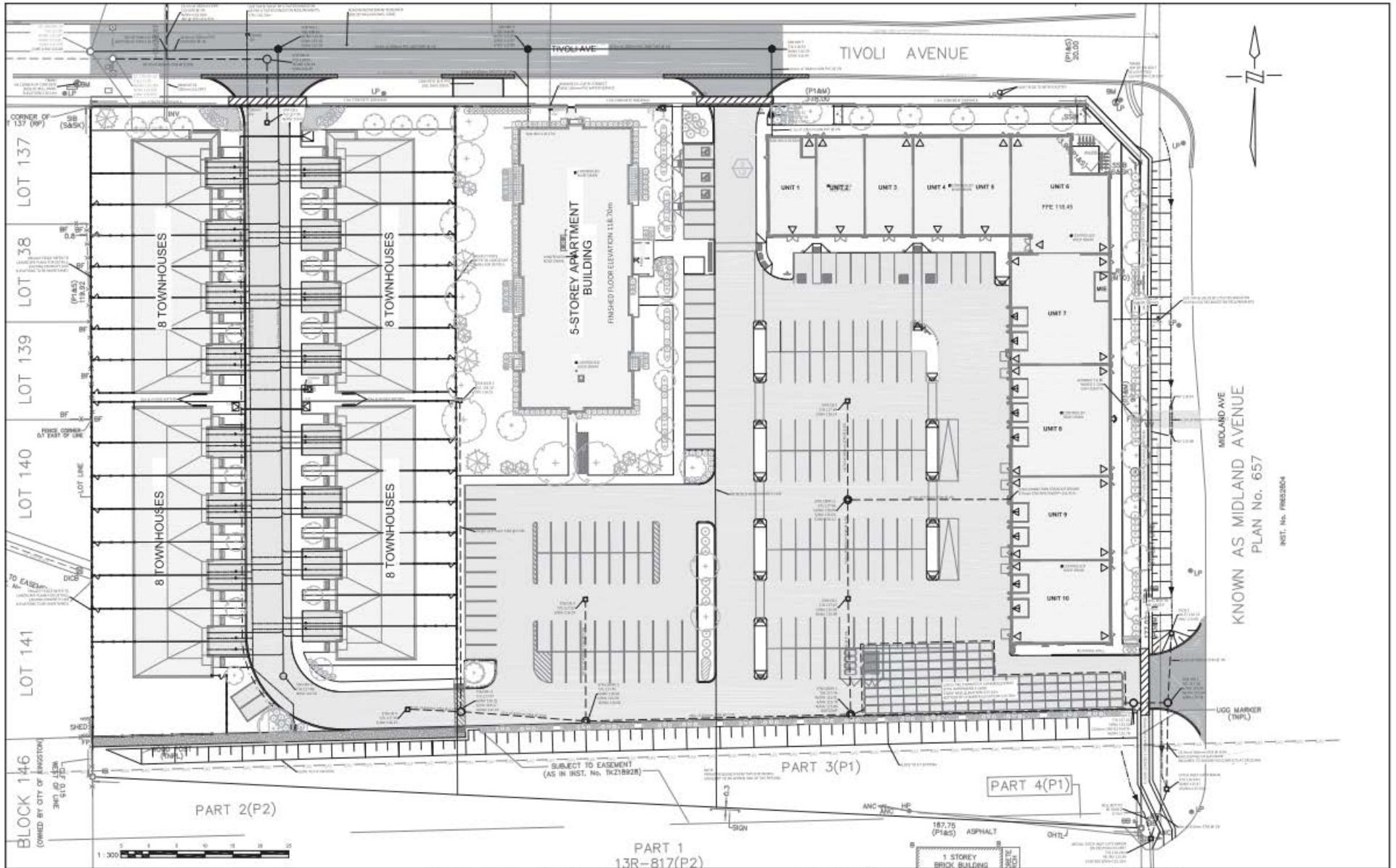
REGISTERED  
BLOCK 146  
(OWNED BY CITY OF KINGSTON)



NO.	DATE	DESCRIPTION	BY
1	2021-04-15	ISSUED FOR PERMITTING	M.J.
2	2021-04-15	ISSUED FOR PERMITTING	M.J.
3	2021-04-15	ISSUED FOR PERMITTING	M.J.
4	2021-04-15	ISSUED FOR PERMITTING	M.J.
5	2021-04-15	ISSUED FOR PERMITTING	M.J.
6	2021-04-15	ISSUED FOR PERMITTING	M.J.
7	2021-04-15	ISSUED FOR PERMITTING	M.J.
8	2021-04-15	ISSUED FOR PERMITTING	M.J.
9	2021-04-15	ISSUED FOR PERMITTING	M.J.
10	2021-04-15	ISSUED FOR PERMITTING	M.J.

OWNER:  
WEST EMPIRE DEVELOPMENTS Ltd.  
PROJECT:  
1291 MIDLAND AVENUE

DRAWING TITLE:  
GRADING PLAN  
Drawing No. 1460  
Sheet No. C001  
Date: 2021-04-15  
Scale: 1:500



<p><b>JE</b> Josselyn Engineering Inc.</p> <p>1225 GARDINERS ROAD SUITE 105 KINGSTON, ONTARIO K7P 2R9 TEL : 613-634-9278 FAX : 613-634-9138 E-MAIL : mjosselyn@josselyn.ca</p>		<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table>																																	<p>OWNER: WEST EMPIRE DEVELOPMENTS Ltd.</p> <p>PROJECT: 1291 MIDLAND AVENUE</p>	<p>DRAWING TITLE: SERVICING PLAN</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td>Designed by: MJ</td> <td>Date: 2021-04-15</td> <td>Project No.:</td> <td>1460</td> </tr> <tr> <td>Checked by: MJ</td> <td>Scale: 1:500</td> <td>Drawing No.:</td> <td>C002</td> </tr> </table>	Designed by: MJ	Date: 2021-04-15	Project No.:	1460	Checked by: MJ	Scale: 1:500	Drawing No.:	C002
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<p>1:300</p>		<p>PART 1 13R-817(P2)</p>		<p>PART 2(P2)</p>																																								







