



**City Of Kingston
Planning Committee
Meeting Number 12-2015
Minutes
Thursday July 2, 2015 at 6:30 p.m.
Council Chamber, City Hall**

Committee Members Present

Councillor Schell, Chair
Councillor George, Vice-Chair
Councillor M^cLaren
Councillor Neill
Councillor Osanic
Councillor Turner

Members Absent

There were none.

Staff Members Present

Mr. Alex Adams, Senior Planner
Ms. Catalina Blumenberg, Committee Clerk
Ms. Lanie Hurdle, Commissioner, Community Services
Ms. Julie Salter Keane, Manager, Development Approvals
Ms. Cherie Mills, Manager, Policy Planning
Mr. Tony Gkotsis, Intermediate Planner
Ms. Lindsay Lambert, Senior Planner
Ms. Marnie Venditti, Senior Manager, Client Relations & Development Services

Others Present

Councillor Hutchison
Approximately 30 members of the public.

Introduction By Committee Chair

Councillor Schell, Chair, explained the purpose of the meeting and read the rights and obligations afforded to the Committee members and members of the public in these public meetings.

Public Meeting
Held Pursuant to the Planning Act
6:30 p.m.
Application for Zoning By-Law Amendment and Amendment to Community
Improvement Plan Project Areas 1A, B and C

The following is a Public Meeting report to the Planning Committee for an amendment to the Community Improvement Plan Project Areas 1A, B and C, and a zoning by-law amendment application concerning a property municipally known as 223 Princess Street. This report describes the purpose and effect of the requested amendment to add a new Community Improvement Plan project area within the Community Improvement Plan, a zoning by-law amendment and includes an overview of the relevant policies and regulations that apply to the subject property.

The applicant, IN8 (The Capitol) Developments Incorporated, is requesting permission to rezone the subject property for the construction of a 20-storey mixed use building with 223 residential units and 750 square metres of commercial floor area. The subject site is the location of the former Capitol Theatre and later the Empire Theatre building. The residential use is proposed to be located in a tower located along the Queen Street frontage of the property and above a proposed parking structure. The commercial floor area is proposed along the Princess Street frontage. The proposed residential unit composition is 76 units with one bedroom, 118 units with two bedrooms and 29 units with 3 bedrooms. A total of 132 parking spaces are proposed to be located along the Queen Street frontage in a structure that would occupy the lower level and first three levels of the proposed building. The residential tower containing 223 residential units is proposed in the floors above the parking structure along Queen Street. The principal entrance to the residential and commercial space is proposed along the Princess Street elevation. The proposed rezoning pertains to the portion of the property currently zoned Central Business System 'C1' zone in Zoning By-Law Number 96-269. The remaining portion of the property located along Princess Street is currently zoned Heritage Commercial 'C1-3' zone and is proposed to remain zoned as such.

The submission for this proposed development also includes an application to add a new Community Improvement Plan (CIP) project area within the overall Community Improvement Plan of the City of Kingston.

Application for Zoning By-Law Amendment and Amendment to Community
Improvement Plan Project Areas 1A, B and C
223 Princess Street

Councillor Schell, Chair, called the public meeting regarding the application for a Zoning By-Law Amendment and Amendment to Community Improvement Plan Project Areas 1A, B and C for 223 Princess Street to order at 6:35 p.m.

Mr. Mike Keene, FoTenn Consultants spoke to the details of the application and conducted a PowerPoint presentation. A copy of the presentation can be found attached to the original set of minutes located in the City Clerk's Department.

Pursuant to the requirements of the *Planning Act*, a notice of the statutory Public Meeting was provided by advertisement in the form of a sign posted on the subject site 20 days in advance of the Public Meeting. A "Notice of Public Meeting" regarding these applications was also sent by pre-paid first class mail to all property owners within 120 metres of the subject property. There were approximately 70 property owners notified by mail. In addition, a courtesy notice was published in *The Kingston Whig-Standard*.

Ms. Lambert, Senior Planner informed the Committee that 8 pieces of correspondence regarding this application has been received.

Councillor Neill inquired about the Amendment to Community Improvement Plan (CIP) Project Areas, and noted that the main concern of the community is the height of the building. Mr. Keene replied that the applicant requires an amendment to the CIP to consider expanding it to the entire downtown area, to use the land more efficiently and make it sympathetic to the cultural characteristics of Queen and Princess Street.

In response to a question from Councillor M^cLaren regarding justification of the CIP use, Mr. Keene replied that the CIP provides access to available programs and grants.

Councillor M^cLaren commented on the building height, and asked how the building is compatible on a human scale in relation to the neighbourhoods. Mr. Keene replied that the focus is to maintain the first four storeys at street level. He noted that the Queen Street portion of the proposed structure is meant to be the functional part of the building, and the architect designed it so it protects the view of the skyline.

Councillor M^cLaren sought clarification in how the building is sympathetic to the streetscape. Mr. Keene responded that the development is subject to several studies, such as an urban design study and a shadow study. He stated that this analysis was incorporated to the design, and helped to conclude the appropriateness of the building. Mr. Keene stated that from Princess Street, residents will only see the historical theatre façade, and that the footprint of the building itself is minor.

In response to a question from Councillor M^cLaren with respect to how the proposed development will fit the existing housing stock and stability of the neighbourhood, Mr. Keene replied that there is low density housing on the periphery of the development and limited housing above the existing retailers on Princess Street.

Ms. Venditti, Senior Manager, Client Relations & Development Services advised that the downtown core area has provisions of the zoning by-law to allow intensification, and noted that the downtown core is not predominantly a traditional/stable neighbourhood area, as it is subject to the downtown harbour by-law where residential is a permitted use, however the terms stable or transitional apply more to traditional land use.

Councillor George advised that the intent of the meeting is to listen to the public.

Councillor Osanic inquired about the wind study and if it examined what the micro climate generation would be at the base level, the loss of parking spaces on Queen Street, tree preservation, and the potential loss of independent retailers. Mr. Keene replied that the wind study examined how the building itself will function and if it has impact on adjacent buildings, whether that means more snow or wind. He stated that the loss of parking spaces is approximately 6 spots. Mr. Keen affirmed that he will verify how much vegetation could be lost, if any, and noted that the building will increase retail opportunities along Princess Street, and that revenue will be generated based on the quality of life being provided.

Councillor Schell opened the floor to members of the public to provide comments.

Mr. Ritchie, BIA spoke in favour of the proposal, and noted it will enhance the downtown core and encourage the use of public transit and eliminate pollutants from people using vehicles less. He advised that the City has heavily invested in infrastructure that can support this type of development.

Mr. Waterfield spoke in favour of the design, and noted it is aesthetically pleasing. He suggested that one bicycle storage space per unit is not sufficient.

Mr. Sandal expressed concern about the structure height.

Mr. Dixon stated that the design could reflect the heritage characteristics of the neighbourhood by using limestone. He noted that access to parking off Queen street could create complications as it is on a hill, and noted that putting a restaurant on the roof of the building could be a tourist attraction.

Ms. Salomon inquired if the proponent could build the building using sustainable materials to give it a green designation.

Mr. Anderson expressed concern with the amount of bike storage space, and inquired if the effects of the building on bird populations have been examined.

Ms. Schmolka advised that the proposal is not consistent with the City's Official Plan, and expressed concern that application acquires enormous relief from the zoning by-law. She stated that people appreciate the ambiance of downtown, and the proposal would have a negative impact on the cultural heritage of the area. She expressed concern about receiving cash in lieu of parking, and that each cyclist should have a secure storage locker.

Ms. Bunting expressed concern with the proportions of the structure, and noted that there are several empty businesses along Princess Street and that a new apartment complex does not have the influence to revitalize downtown.

Ms. Findley spoke to her personal history of choosing to live downtown. She stated that the proposal is out of scale, and not compatible with the heritage characteristics and properties

of the downtown core. She advised that intensification is a good plan, if done in a subtle manner so the human scale of the City is not lost.

Mr. Stone stated that this type of proposal sets a precedent.

Mr. Campbell advised that heritage is not something that is fixed, and it changes over time. He noted that as Kingston moves forward it will be essential to consider constructions such as this building, which will bring an urban renewal to the downtown core.

Mr. Ohtake stated that heritage preservation is important for heritage based tourism.

Mr. Keene thanked members of the public for their comments and questions. He noted that the application was peer reviewed by technical experts, and applicants want the development to be acceptable to the community. Mr. Keene stated that access from Queen Street could be problematic, and that during the technical review, traffic calming measures can be examined such as having a right turn only lane. He replied that including a restaurant on the rooftop is challenging when mixing residential with commercial components. Mr. Keene indicated that striving for a green designation could be explored, and emphasized that the recent changes to the Ontario Building Code have elevated the quality of materials used for environmental sustainability.

Mr. Keene advised that bicycle storage options can be examined, such as using elevated bike parking, and if there is a demand, a meeting room on the first floor could be used for bicycle storage. He noted that the design team believes the design respects the downtown and heritage character of blending the two streets together; however the comments received tonight will be taken into consideration

Councillor Turner thanked the proponents for the presentation and spoke in favour of the unique design, and rooftop terrace. She stated that it will bring activity and people to the downtown core.

Councillor Hutchison inquired about the rationale of the zoning by-law and why it was appropriate twenty years ago. He expressed concern with the building height and design. Ms. Venditti replied that the proponent is asking relief from a by-law that was enacted several decades ago, which recognizes condition of the area and allows higher density development.

Ms. Hurdle, Commissioner, Community Services stated that staff are unable to comment on what was decided 15-20 years ago, and that the by-law is outdated and priorities for the City have changed.

The public meeting regarding the application for a Zoning By-Law Amendment and Amendment to Community Improvement Plan Project Areas 1A, B and C for 223 Princess Street adjourned at 8:58 p.m.

Public Meeting
Held Pursuant to the Planning Act
6:30 p.m.
Application for Zoning By-Law Amendment

The following is a Public Meeting report to the Planning Committee for a zoning by-law amendment application concerning a property municipally addressed as 440 Brock Street. This report describes the purpose and effect of the requested zoning by-law amendment and includes an overview of the relevant policies and regulations that apply to the subject property.

The applicants, Paul Hungler and Sarah Pardy, are requesting permission to rezone the subject property, known municipally as 440 Brock Street. The site is one parcel of land with a lot area of approximately 332 square metres and contains an existing residential building with two residential units. The applicant is proposing to convert the interior of the existing dwelling into three residential units. Two units are proposed to have five bedrooms and one unit is proposed to have three bedrooms. The property is currently zoned 'B', which allows three to six residential units as a permitted use.

Although the property had lost this right through a previous conversion to two residential units, this was verified through tax roll data. The application submission indicates that at the time of purchase, the existing dwelling contained seven residential units, a use that is not permitted in the site's existing zoning. The number of units was subsequently converted back to two. The proposed zoning by-law amendment requests relief from the maximum density requirement and the minimum requirements for amenity space and children's play space for three residential units.

The property is designated 'Residential' in the City of Kingston Official Plan and is zoned Three to Six Family Dwelling 'B' Zone in Zoning By-Law Number 8499, as amended.

Application for Zoning By-Law Amendment
440 Brock Street

Councillor Schell, Chair, called the public meeting regarding the application for a Zoning By-Law Amendment for 440 Brock Street to order at 8:59 p.m.

Mr. Hungler spoke to the details of the application and conducted a PowerPoint presentation. A copy of the presentation can be found attached to the original set of minutes located in the City Clerk's Department.

Pursuant to the requirements of the *Planning Act*, a notice of the statutory Public Meeting was provided by advertisement in the form of a sign posted on the subject site 20 days in advance of the Public Meeting. A "Notice of Public Meeting" regarding these applications was also sent by pre-paid first class mail to all property owners within 120 metres of the

subject property. There were approximately 52 property owners notified by mail. In addition, a courtesy notice was published in *The Kingston Whig-Standard*.

Mr. Leary, Senior Planner informed the Committee that no correspondence regarding this application was received.

Councillor Neill expressed appreciation for the proponent presenting on his own behalf, however he stated that the committee should not consider public parkland in lieu of amenity space.

Councillor Schell opened the floor to members of the public to provide comments.

There were no comments from the public.

The public meeting regarding the application for a Zoning By-Law Amendment for 440 Brock Street adjourned at 9: 12 p.m.

**Public Meeting
Held Pursuant to the Planning Act
6:30 p.m.
Application for Draft Plan of Subdivision, Official Plan Amendment and Zoning
By-Law Amendment**

The following is a Public Meeting report to the Planning Committee for official plan amendment, zoning by-law amendment and draft plan of subdivision applications for the property municipally known as 700 Gardiners Road. This report describes the purpose and effect of the requested applications and includes an overview of the relevant policies and regulations that apply to the subject property.

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

The applicant, Taggart (Gardiners) Corporation, is proposing to develop a mixed use subdivision including high, medium and low density residential uses (total 1,075 residential units); commercial uses; business park uses; and open space.

To accommodate the proposal the applicant is proposing to amend the Official Plan to locate the property within a 'Housing District' and to change the designations to 'Residential'; 'District Commercial'; 'Open Space'; and 'Business Park Industrial', and to change the zoning to permit high density residential; medium density residential; low density residential; general shopping centre uses; business park uses; and open space uses.

**Application for Draft Plan of Subdivision, Official Plan Amendment and Zoning
By-Law Amendment
700 Gardiners Road**

Councillor Schell, Chair, called the public meeting regarding the application for Draft Plan of Subdivision, Official Plan Amendment and Zoning By-Law Amendment for 700 Gardiners Road to order at 9:13 p.m.

Ms. Margo Watson, FoTenn Consultants, spoke to the details of the application and conducted a PowerPoint presentation. She showed a drone YouTube video of the site. A copy of the presentation can be found attached to the original set of minutes located in the City Clerk's Department.

Pursuant to the requirements of the *Planning Act*, a notice of the statutory Public Meeting was provided by advertisement in the form of a sign posted on the subject site 20 days in advance of the Public Meeting. A "Notice of Public Meeting" regarding these applications was also sent by pre-paid first class mail to all property owners within 120 metres of the subject property. There were approximately 115 property owners notified by mail. In addition, a courtesy notice was published in *The Kingston Whig-Standard*.

Mr. Adams, Senior Planner informed the Committee that no pieces of correspondence regarding this application have been received.

Councillor Neill commended the proposal, and stated that it is good repurposing. He asked if the storm water management pond was being relocated. Ms. Watson replied that the pond is being relocated to the south end of the property, and that the Planning Act requires 5% of land be given to parkland, and that the walkways will provide connectivity.

In response to a question from Councillor Osanic regarding phases of development, Ms. Watson replied that construction will begin on the west area, and simultaneously the high residential construction will begin.

In response to a question from Councillor M^cLaren regarding the mix of medium and low density residential, Ms. Watson responded that once the plan of subdivision is in place, doing the construction by phases to regulate the zoning and respond to market demand. She noted that the application diversifies the housing stock to ensure the plan is flexible and reflects changing times.

Councillor Schell opened the floor to members of the public to provide comments.

Mr. Dixon expressed support for the ambitious proposal and re-purpose of the land. He stated that access to public transportation is essential.

Mr. LaChapelle stated that numerous residents met and chose representatives to address their comments collectively to the Planning Committee. He advised that everyone involved stressed the importance of responsible development in Kingston. Mr. LaChapelle spoke in favour of the proposal, and appreciates the connectivity. He expressed concern regarding the hydro lines, noise and dust during construction, and inquired if there will be a barrier of vegetation along the houses close to the hydro line.

Mr. Palmer inquired about project timelines.

Ms. Pearson expressed concern about traffic congestion.

Ms. Schmolka advised that the development could include a community hub, or an area for public amenity space, such as a community garden. She expressed concern over parking, lack of bicycle lanes and lack of sustainability features such as solar panels.

Ms. Watson advised that the report highlights the extensive transit routes, and that a project of this scale will take several years to build. She noted that there were no ecological features on the site; therefore an ecological assessment was not necessary.

The public meeting regarding the application for Draft Plan of Subdivision, Official Plan Amendment and Zoning By-Law Amendment for 700 Gardiners Road adjourned at 10:12 p.m.

**Public Meeting
Held Pursuant to the Planning Act
6:30 p.m.
Application for Zoning By-Law Amendment**

The following is a Public Meeting report to the Planning Committee for a zoning by-law amendment application for the property at 105 Clergy Street. This report provides general information and describes the purpose and effect of a zoning by-law amendment application to redevelop the property and includes an overview of the relevant policies and regulations that apply to the subject property.

The property is located at 105 Clergy Street, on the east side of Clergy Street between Brock Street and Princess Street (Exhibit A). The subject property is approximately 409 square metres in area with 15.2 metres of frontage on Clergy Street. The property currently consists of a three storey mixed-use building that contains a former restaurant on the first floor, associated storage space on the second floor and residential units on the third. Five parking spaces currently exist on the site, four of which are accessed via an existing right-of-way over the property immediately to the north of the subject property.

The applicant is requesting a change to the zoning by-law to allow additions to the structure to permit the conversion of the building to a multiple residential structure containing 6 residential units (five, two bedroom units and one, one bedroom unit). The applicant is requesting to add apartment dwelling as a permitted use. As well, the applicant is requesting a reduction in the required number of parking spaces to five; access to the parking facilities through a single, three metre wide lane; decreasing the minimum lot coverage to 35% and an increase in the maximum density to 150 units per net hectare.

The applicant is requesting an amendment to Zoning By-Law Number 96-259 to permit the proposed uses and to seek relief from various zoning requirements.

**Application for Zoning By-Law Amendment
105 Clergy Street**

Councillor Schell, Chair, called the public meeting regarding the application for a Zoning By-Law Amendment for 105 Clergy Street to order at 10:12 p.m.

Ms. Coates, McIntosh Perry Consulting, spoke to the details of the application and conducted a PowerPoint presentation. A copy of the presentation can be found attached to the original set of minutes located in the City Clerk's Department.

Pursuant to the requirements of the *Planning Act*, a notice of the statutory Public Meeting was provided by advertisement in the form of a sign posted on the subject site 20 days in advance of the Public Meeting. A "Notice of Public Meeting" regarding these applications was also sent by pre-paid first class mail to all property owners within 120 metres of the

subject property. There were approximately 125 property owners notified by mail. In addition, a courtesy notice was published in *The Kingston Whig-Standard*.

Mr. Gkotsis, Intermediate Planner informed the Committee that no pieces of correspondence regarding this application were received.

In response to a question from Councillor Turner regarding balcony railing height, Mr. Newman responded that the height will be regulated by the Ontario Building Code.

Councillor Neill spoke in favour of the application; however he noted that the rooftop amenity space could create noise complaints. Ms. Coates responded that the noise of the rooftop patio is regulated by the noise by-law.

Councillor Schell opened the floor to members of the public to provide comments.

Ms. Findley expressed concern for the building design, especially with the designated heritage designated properties that surround the application.

Mr. Dixon spoke in favour of the proposal, however expressed reservation about the front façade design.

Ms. Coates stated that the design fits within the zoning; however the comments received will be circulated to the architect.

The public meeting regarding the application for Zoning By-Law Amendment for 105 Clergy Street adjourned at 10:30 p.m.

Regular Planning Committee Meeting Number 12-2015

Meeting to Order

Councillor Schell, Chair called the meeting to order at 10:35 p.m.

Approval of the Agenda

Moved by Councillor Neill
Seconded by Councillor Osanic

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

Carried

Confirmation of Minutes

There were none.

Disclosure of Pecuniary Interest

There was none.

Delegations

There were none.

Briefings

There were none.

Business

a) Comprehensive Report Application for Zoning By-Law Amendment 129 Calderwood Drive Applicant: GP Property Management Inc.

Moved by Councillor Osanic
Seconded by Councillor Turner

That it be recommended to Council that the application for zoning by-law amendment (File Number D14-119-2015) submitted by GP Property Management Inc., for the property located at 129 Calderwood Drive, be approved; 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 City of Kingston Zoning By-Law Number 8499, as amended, be further amended as follows:

- 1.1. Map 25 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from 'A3' to 'A3.481', as shown on Schedule "A" attached to and forming part of By-Law Number 2015_____.
- 1.2. By adding the following section 481 in Part VIII – Exceptions to Various Zone Classifications as follows:

"481. 129 Calderwood Drive

Notwithstanding the provisions of Section 8 and Section 5 hereof to the contrary, the lands designated 'A3.481' on Schedule 'A' hereto, the following provisions shall apply:

(a) Definitions:

- (i) "Principal Residential Unit" means the main/core structure intended for human habitation, on a lot.
- (ii) "Second Residential Unit" means a legally existing separate dwelling unit, which is ancillary to a principal residential unit and includes a separate access, kitchen, washroom and living space.

(b) Additional Permitted Uses:

A Second Residential Unit

(c) Prohibited Uses:

Garden Suite;
Boarding House;
Lodging House; and
Rooming House.

(d) Second Residential Unit:

(i) Second Residential Unit Area:

A second residential unit shall have a gross floor area not exceeding 40 percent of the gross floor area of the principal residential unit or 90 square metres, whichever is lesser. For the purposes of this provision, calculations for gross floor area shall refer to the total area of each floor, including finished attic spaces, whether located above, at, or below grade, measured from the interior of outside walls and including floor area occupied by interior walls, but excluding:

- (a) Floor area occupied by mechanical, service, and electrical equipment that serve the building;
 - (b) An open porch or balcony; and
 - (c) Areas internal to the building that are intended for the storage of vehicles.
- (ii) Second Residential Units Per Dwelling House
- (maximum): 1 only
- (iii) Access:
- The second residential unit shall have separate access from that of the principal residential unit. Access shall be provided at the front of the building, or at the side or rear of the building where a minimum 1.2 metre wide unobstructed walkway from the front of the building to the access is provided.
- (iv) Parking and Driveway:
- (a) Second Residential Unit: 1 parking space
 - (b) The required parking may be provided through a tandem or stacked parking arrangement on a driveway located in the side yard.
 - (c) An additional driveway shall not be permitted for a second residential unit"; and

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

Carried

**b) Comprehensive Report Application for Zoning By-Law Amendment 128 - 136
Ontario Street, 15 Earl Street Applicant: Cosmedx Inc. & JSN Properties Inc.**

Moved by Councillor Osanic
Seconded by Councillor M^cLaren

That the application for zoning by-law amendment (File Number D14-079-2014) submitted by Cosmedx Inc. & JSN Properties Inc., for the properties located at 128-136 Ontario Street and 15 Earl Street, be approved; 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 Council of the Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 8499 of The Corporation of the City of Kingston, entitled “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. Map 31 of Schedule “A”, as amended, is hereby further amended by removing the zone symbols and lands from Schedule “A” of the properties municipally addressed as 15 Earl Street and 128-136 Ontario Street, as shown on Schedule “A” attached to and forming part of By-Law Number 2015-___ so that Zoning By-Law Number 8499 has no force and effect over said lands.
 - 1.2. By deleting and replacing the following Section 210 in Part VIII – exceptions to various zone classifications as follows:

“(210) B3.210 (Deleted)”
2. By-Law Number 96-259 of The Corporation of the City of Kingston, entitled “Downtown and Harbour Zoning By-Law for The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
 - 2.1. Map 1 of Schedule “A”, as amended, is hereby further amended by adding the zone symbol “C1-37-H” and the property municipally addressed as 15 Earl Street as shown on Schedule “B” attached to and forming part of By-Law Number 2015-___ so that Zoning By-Law Number 96-259 has force and effect over said lands.
 - 2.2. 2.2 Map 1 of Schedule “A”, as amended, is hereby further amended by adding the zone symbol “C1-38” and the property municipally addressed as 128-136 Ontario Street as shown on Schedule “B” attached to and forming part of By-Law Number 2015-___ so that Zoning By-Law Number 96-259 has force and effect over said lands.”
 - 2.3. By adding a new subsection 7.3.37 thereto as follows:

“7.3.37 15 Earl Street (C1-37)

Notwithstanding the provisions of Section 5 and Section 7 hereof to the contrary, the lands zoned ‘C1-37’ on Schedule ‘A’ hereto, the following regulations shall apply:

7.3.37.1 (a) Permitted Uses

The only permitted uses shall be:

 - Amusement Arcade;
 - Art Gallery;
 - Bakery;
 - Bake Shop;
 - Bank or Financial Establishment;
 - Bed or Breakfast Establishment;
 - Church or Religious Institution;

Commercial Entertainment Establishment;
Commercial Establishment;
Commercial Recreation Facility;
Commercial School;
Computer Programming Establishment;
Convenience Store;
Data Processing Establishment;
Day Care Centre;
Drugstore/ Pharmacy;
Florist;
Food Store;
Funeral Home;
Government Office;
Hardware Store;
Liquor or Beer Store;
Medical Clinic;
Medical Inpatient Treatment Centre;
Medical Office;
Mixed Commercial/Residential Development;
Nursing Home;
Office;
Parking Lot;
Personal Service Establishment;
Pet-Grooming Establishment;
Photo or Artist Studio;
Private Social and Cultural Facility;
Public Use;
Rental Outlet;
Repair Service;
Restaurant;
Restaurant, Outdoor Patio;
Restaurant, Take-Out;
Service Establishment;
Specialty Retail Store;
Community Home;
Community Support House;
Crisis Care Shelter;
Home Occupation;
Recovery Home; and
Residential Care Facility.

7.3.37.2 Regulations

The regulations shall be as follows:

(a) Definitions

“Medical Inpatient Treatment Centre” – means a building providing inpatient surgical or other medical treatment for not more than four patients and may include a “Medical Clinic” use.

(b) Holding Zone Provisions

The use and removal of the Holding (H) Symbol shall be in accordance with the provisions of Section 6.3 of this by-law.

(i) Removal of Holding Symbol

The Holding (H) Symbol shall not be removed until such time as all necessary studies as defined by City of Kingston staff are completed to the satisfaction of City of Kingston staff. Required studies shall include but are not limited to: a Heritage Impact Statement, a Noise Impact Study, a View Plane Analysis and an Archaeological Assessment.”

2.4. By adding a new subsection 7.3.38 thereto as follows:

“7.3.38 128-136 Ontario Street (C1-38)

Notwithstanding the provisions of Section 5 and Section 7 hereof to the contrary, the lands zoned C1-38’ on Schedule ‘A’ hereto, the following regulations shall apply:

7.3.38.1 (a) Permitted Uses

The only permitted uses shall be:

- Amusement Arcade;
- Art Gallery;
- Bakery;
- Bake Shop;
- Bank or Financial Establishment;
- Bed or Breakfast Establishment;
- Church or Religious Institution;
- Commercial Entertainment Establishment;
- Commercial Establishment;
- Commercial Recreation Facility;
- Commercial School;
- Computer Programming Establishment;
- Convenience Store;
- Data Processing Establishment;

Day Care Centre;
Drugstore/ Pharmacy;
Florist;
Food Store;
Funeral Home;
Government Office;
Hardware Store;
Liquor or Beer Store;
Medical Clinic;
Medical Inpatient Treatment Centre;
Medical Office;
Mixed Commercial/Residential Development;
Nursing Home;
Office;
Parking Lot;
Personal Service Establishment;
Pet-Grooming Establishment;
Photo or Artist Studio;
Private Social and Cultural Facility;
Public Use;
Rental Outlet;
Repair Service;
Restaurant;
Restaurant, Outdoor Patio;
Restaurant, Take-Out;
Service Establishment;
Specialty Retail Store;
Community Home;
Community Support House;
Crisis Care Shelter;
Home Occupation;
Recovery Home; and
Residential Care Facility.

7.3.38.2 Regulations

The regulations shall be as follows:

(a) Definitions

“Medical Inpatient Treatment Centre” – means a building providing inpatient surgical or other medical treatment for not more than four patients and may include a “Medical Clinic” use.

(b) Minimum Lot Coverage
40%.

(c) One Lot For the Purpose of Zoning

For the purpose of zoning all lots within the 'C1-38' Zone shall be considered as one lot."; and

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

Carried As Amended (5:1)

(See Motion to Amend Which Was Carried)

(See Recorded Vote)

YEAS: Councillor Schell, Chair, Councillor George, Councillor McLaren, Councillor Osanic,
Councillor Turner

NAYS: Councillor Neill

Moved by Councillor George
Seconded by Councillor Turner

That Section 2.2 of the 128 – 136 Ontario Street, and 15 Earl Street application be deleted in its entirety and replaced with the following:

"2.2 Map 1 of Schedule "A", as amended, is hereby further amended by adding the zone symbol "C1-38" and the property municipally addressed as 128-136 Ontario Street as shown on Schedule "B" attached to and forming part of By-Law Number 2015-___ so that Zoning By-Law Number 96-259 has force and effect over said lands."

Carried

c) Comprehensive Report Application for Zoning By-Law Amendment 217 to 219 University Avenue and 330 William Street Applicant: Fifth Field Company Ltd.

Moved by Councillor George
Seconded by Councillor Osanic

That the application for zoning by-law amendment (File Number D14-092-2014), submitted by Fifth Field Company Ltd., for the property located at 217 to 219 University Avenue and 330 William Street, be approved; 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 City of Kingston Zoning By-Law Number 8499, as amended, be further amended as follows:

1.1. Map 30 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from 'E' to 'E.475, as shown on Schedule "A" attached to and forming part of By-Law Number 2015-____.

1.2. By **Adding** the following Section 475 in Part VIII – Exceptions To Various Zone Classifications as follows:

"(475) 217 to 219 University Avenue and 330 William Street

Notwithstanding the provisions of Section 5 and Section 17 hereof to the contrary, the lands designated 'E.475' on Schedule 'A' hereto, the following regulations shall apply:

(a) Uses Permitted

(i) Residential Uses:

Multiple family dwellings

(ii) Non-Residential Uses:

Neighbourhood commercial uses providing a range of convenience retail and service uses, including:

Convenience store;

Food store;

Retail store;

Laundromat;

Pick-up/Drop-off Drycleaners;

Video Store;

Take out restaurant;

Coffee Shop;

Personal Services shop (i.e. hairdresser, barber, esthetician etc.); and

Copy Centre.

(b) Zone Provisions

(i) Residential Uses

(a) Residential uses are not permitted on the first storey;

(b) A maximum of 8 residential dwelling units are permitted;

(c) A maximum of 8 bedrooms are permitted; and

(d) A maximum of 4 bedrooms per dwelling unit is permitted;

(ii) Non-Residential Uses

(a) A maximum of 1 non-residential unit is permitted;

(b) Commercial use on the first storey is mandatory; and

(c) Non-residential uses are permitted in the first storey and cellar only.

(iii) Maximum number of buildings in the E.475 Zone 1 only;

(iv) Maximum Height: 12 metres;

Roof-mounted equipment such as mechanical units and solar panels may project an additional 3 metres above the maximum permitted height.

(v) Minimum Front Yard: 0 metres;

(vi) Minimum Side Yard: 1.5 metres;

(vii) Aggregate Side Yard: 4.5 metres

(viii) Sight Triangles

The first storey of all buildings on corner lots shall be set back from the street line as to maintain the sight triangle except for a single support column with a maximum horizontal cross-section of 0.65 metres.

The sight triangle means the triangular space formed by the street lines of a corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 5 metres from the point of intersection of the street lines;

(ix) Amenity Space 90 square metres;

(x) Parking

(a) Minimum Number of Parking Spaces: 0 parking spaces;

(b) Minimum Number of Barrier Free Parking Spaces:

0 parking spaces;

(xi) Loading Spaces

(a) Minimum Number of Loading Spaces: 1 Loading Space; and

(b) The minimum width of a loading space shall be 3 metres wide by 6 metres long;

(xii) One Lot For the Purpose of Zoning:

For the purpose of zoning all lots within the 'E.475' Zone shall be considered as one lot"; and

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

Carried

d) Comprehensive Report Application for Zoning By-Law Amendment 1138 and 1232 Highway 15 Applicant: Tamarack (Rideau) Corporation

Moved by Councillor Neill
Seconded by Councillor Osanic

That the application for zoning by-law amendment (File Number D14-109-2015), submitted by FoTenn Consultants Incorporated, on behalf of Tamarack (Rideau) Corporation, for the properties located at 1138 and 1232 Highway 15, be approved; and

That Zoning By-Law Number 32-74, as amended, be further amended as follows:

By-Law Number 32-74 of The Corporation of the City of Kingston, entitled "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Pittsburgh", as amended, is hereby further amended as follows:

- 1.1. Map 4 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from R12-3-H to R12-4-H, as shown on Schedule "A" attached to and forming part of By-Law Number 2015-____.
- 1.2. That the following be **added** as Section 11I (3)(d) of the By-Law:

(d) (R12-4-H)

Notwithstanding any provisions of Section 11I hereof to the contrary, on the lands zoned 'R12-4-H' on Schedule 'A' attached hereto, the following provisions shall apply:

- i) Permitted Use: a detached single family dwelling house
- ii) Lot Frontage (minimum)

Corner Lot:	10.8 metres
Other Lot:	9 metres
- iii) Front Yard Depth (minimum) 3.0 metres
- iv) Rear Yard Depth (minimum) 6.75 metres
- v) Holding Provision: In addition to the provisions of Section 5, the '-H' Holding Symbol shall only be removed once the following conditions have been complied with:
 1. Confirmation of sufficient servicing capacity for the development to the satisfaction of the City and Utilities Kingston;

2. Submission of a Record of Site Condition for the entirety of the subject lands to the satisfaction of the City and any applicable Agency and/or Provincial Ministry;
3. Confirmation from the Ministry of Natural Resources and Forestry that the existing adjacent quarry has surrendered it's license or confirmation that the appropriate assessment has been completed to demonstrate that impact from adjacent re-development work involving rock drilling, blasting, excavation or crushing on the lands to the south has been completed to a stage that potential impact on residential uses on the lots is mitigated;
4. That all necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner; and
5. That the appropriate application for an amendment to the zoning by-law to remove the '-H' Symbol has been approved by the City; and

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

Carried

Motions

There were none.

Notices of Motion

There were none.

Other Business

Councillor George urged committee members to ask land use planning related questions.

Councillor Schell inquired if staff could produce a briefing to discuss the difference between zoning and site plan issues.

Correspondence

- a) Correspondence received from Ms. J. Allan, dated June 29, 2015 regarding the application for a Zoning By-Law Amendment and Amendment to Community Improvement Plan Project Areas 1A, B and C for 223 Princess Street.
- b) Correspondence received from Mr. J. Malcolm, dated June 30, 2015 regarding the application for a Zoning By-Law Amendment and Amendment to Community Improvement Plan Project Areas 1A, B and C for 223 Princess Street.

- c) Correspondence received from Ms. A. Harmer, dated June 30, 2015 regarding the application for a Zoning By-Law Amendment and Amendment to Community Improvement Plan Project Areas 1A, B and C for 223 Princess Street.
- d) Correspondence received from Ms. M. Beaulne, dated June 27, 2015 regarding the application for a Zoning By-Law Amendment and Amendment to Community Improvement Plan Project Areas 1A, B and C for 223 Princess Street.
- e) Correspondence received from Councillor Osanic, dated June 26, 2015 regarding the application for a Zoning By-Law Amendment and Amendment to Community Improvement Plan Project Areas 1A, B and C for 223 Princess Street.

Date of Next Meeting

The next meeting of the Planning Committee is scheduled for Thursday August 6, 2015 at 6:30 p.m.

Adjournment

Moved by Councillor Osanic
Seconded by Councillor Neill

That the meeting of the Planning Committee adjourn at 10:39 p.m.

Carried