



**City of Kingston  
Planning Committee  
Meeting Number 01-2024  
Minutes**

**Thursday, December 7, 2023 at 6:00 p.m.  
Hosted at City Hall in Council Chamber**

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**Committee Members Present**

Councillor Cinanni, Chair  
Councillor Chaves  
Councillor Glenn  
Councillor M<sup>c</sup>Laren  
Councillor Oosterhof  
Councillor Osanic (arrived to meeting at 6:06 p.m.)

**Regrets**

None.

**Staff Members Present**

Sukriti Agarwal, Manager, Development  
James Bar, Manager, Development Approvals  
Chanti Birdi, Intermediate Planner  
Ian Clendening, Senior Planner  
Amy Didrikson, Intermediate Planner  
Blair Johnson, Corporate Records & Information Officer  
Jenna Morley, Director, Legal Services & City Solicitor  
Iain Sullivan, Committee Clerk  
Chris Wicke, Senior Planner

## **Others Present**

Members of the public were present.

**This is not a verbatim report.**

## **Introduction by the Chair**

Councillor Cinanni, Chair, explained the purpose of the meeting, read the rights and obligations afforded to the Committee members and members of the public during public meetings and reviewed the order of proceedings to clarify the speaking order for each public meeting.

## **Non-Statutory Public Meeting**

**6:00 p.m.**

### **Subject: Proposed New Site Plan By-Law and Site Plan Guidelines**

The City's current Site Plan Control By-Law (By-Law Number 2010-017) was passed by Council on November 2, 2010 with an amendment passed on March 7, 2017. Since 2017, a number of changes have been made to the Planning Act, including through Bill 23, the More Homes Built Faster Act, 2022 and Bill 97, the Helping Homebuyers, Protecting Tenants Act, 2023, which require the Site Plan Control By-Law to be updated to conform to current legislation. It is proposed that By-Law Number 2010-017 be repealed in its entirety and a new by-law be introduced, as presented for feedback in Exhibit A of this report.

Staff are also proposing that the existing Site Plan Control Guidelines be replaced with a new set of guidelines. The Site Plan Control Guidelines are intended to provide applicants with information on the Site Plan Control process, including application submission requirements, and can be a valuable tool in navigating the process. The current Site Plan Control Guidelines were introduced in October 2003 and last updated in December 2009. The draft Guidelines provided in Exhibit B are proposed to align with changes proposed to the Site Plan Control By-Law, address changes to the application process, and update inter-departmental information related to required plans and studies.

Staff are seeking feedback on the proposed new Site Plan Control By-Law and Site Plan Control Guidelines. Feedback received will be reviewed and incorporated into a recommendation report which is anticipated to be presented to the Planning Committee in Q1 2024.

The Chair called the non-statutory public meeting regarding the Proposed New Site Plan Control By-Law and Site Plan Guidelines to order at 6:02 p.m.

Ms. Birdi conducted a PowerPoint presentation regarding the Proposed New Site Plan By-Law and Site Plan Guidelines. A copy of the presentation is available upon request through the City Clerk's Department.

Frank Dixon, 495 Alfred Street, noted that parts of Bill 23 will be modified by the provincial government in the near future. He further noted that elements of the *More Homes Built Faster Act* will be appealed. He asked what effects these changes would have on the proposed by-law. He inquired whether the by-law would become part of the new Official Plan.

In response to the public comment, Ms. Birdi stated that the section of Bill 23 applicable to the by-law was amended to the *Planning Act* which removed the requirement for Site Plan Control for properties under 10 units. She added that this amendment was also the one which removed staff's ability to require certain aspects of landscaping and appearance. She stated that the by-law would be amended if any changes to provincial legislation took place. She confirmed that the by-law would not form part of the new Official Plan as they are required to be separate items.

Councillor Oosterhof inquired about the risks and rewards that staff weighed. He asked what protections would be in place for Council during the process. He noted his unease with the changes to landscaping reviews being removed. He further noted his concerns regarding the draft by-law, pointing to the language surrounding Director discretion and group homes. He asked how Council could be confident that the best decisions were being made. Ms. Birdi agreed that it was difficult to see where the province was coming from with some of the changes made to the Site Plan Control process. She noted that it was not optional for staff to implement the changes. She confirmed that Councillor Oosterhof's concerns regarding the language around Director discretion had been received and it would be reviewed. She explained that group homes were regulated as any other residential use and that staff do not look at the tenancy of the homes. She noted that when other services are provided it upgrades to a special needs facility and staff have more control.

Councillor Glenn asked what the benefits of having a Site Plan Control process in place are. She asked for an explanation why the process was optional and what mechanisms were in place for compliance. Ms. Birdi noted that Site Plan Control was an optional tool due to the *Planning Act* covering the entire province except for Toronto. She explained that without a Site Plan Control process in place, staff would have no power over where

driveways were located and other major site issues. She added that with Site Plan Control staff have the ability to require site securities to ensure compliance and that it would be registered on title. She explained other options available including Community Planning Permits. Ms. Morley explained that most tools under the *Municipal Act* were optional. She added that as part of the Site Plan Control process applicants enter into an agreement with the City which has stipulations for consequences if the agreement is broken. She noted that the *Planning Act* also contained prosecution abilities if Site Plan Control agreements are broken.

Councillor Glenn asked for clarification on the definition of wetland used in the draft by-law. She noted her concern that even small wetlands contribute significantly to the environment and should not be ignored. She inquired about what would be done for heritage protection, noting that several buildings were being built that were not compatible with their neighbourhoods. She noted that the changes make aesthetic requests become suggestions which was concerning. She further noted that she knew that staff had limited power in this regard. Ms. Birdi explained that the definition of wetland was covered under both a regulation in the *Planning Act* and the City's Zoning By-Law. She stated that the wetland exemption applies to lands that are 120 metres from a wetland, Great Lake, the St. Lawrence River, and other water systems. She added that the exception for railways was 300 metres. Ms. Agarwal noted that there was a definition of wetland in the Official Plan. She stated that small areas with wetland flora were not considered wetlands, but that the City did cover a significant amount of wetlands.

In response to Councillor Glenn, Ms. Birdi stated that staff did have some controls over architecture and landscape but not many. She agreed that staff were limited for non-heritage properties. Ms. Agarwal noted that if a property was designated under Part IV or Part V of the *Ontario Heritage Act* it was required to go through the heritage permit process in which staff can review the architectural proposal. She noted that the *Planning Act* had now removed most of the prior ability to comment that staff had. She explained that staff can review landscaping but cannot mandate certain features.

Councillor Glenn asked why some native trees were considered a nuisance. Ms. Birdi stated that she would discuss with Forestry Services and provide further information.

Councillor Osanic asked if the list of trees could be updated. She noted that there was a current discussion taking place regarding ginko trees. Ms. Birdi confirmed that staff wished to update the tree listing. She noted that the listing of non-native trees would be added back for clarity.

Councillor Chaves asked why native species were only noted as preferred for stormwater ponds and not required. He suggested a list of approved and not approved species for the by-law. Ms. Birdi stated that Engineering Services had noted that some slopes were too steep for native species. She confirmed that staff would look to clarify.

Councillor Glenn asked about what other reports the City would require for a Site Plan Control application. She asked what the current fees were for an application. She echoed Councillor Oosterhof regarding the language around Director discretion. She stated that input from the community was important for development. She asked for caution to be taken with the changes. Ms. Birdi explained that there are commonly requested studies like noise and shadow reports. Ms. Agarwal further explained that the wording covered the very rare reports needed for some very specific properties. She noted that fees vary for the type and zoning.

Councillor Oosterhof expressed hope that the Committee's comments were being heard. He noted that he needed reassurance that the City was doing the right thing. He stated that a builder would take the path of least resistance. He reiterated his concern regarding the proposed by-law and guidelines.

The Chair adjourned the non-statutory public meeting regarding the Proposed New Site Plan Control By-Law and Site Plan Guidelines at 6:48 p.m.

### **Meeting to Order**

The Chair called the meeting to order at 6:49 p.m.

### **Approval of the Agenda**

Moved by Councillor Osanic

Seconded by Councillor Glenn

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

**Carried**

### **Confirmation of Minutes**

Moved by Councillor Chaves  
Seconded by Councillor Osanic

**That** the minutes of Planning Committee Meeting Number 20-2023, held Thursday, November 16, 2023, be approved.

**Carried**

### **Disclosure of Pecuniary Interest**

There were none.

### **Delegations**

There were none.

### **Briefings**

There were none.

### **Business**

- a) **Subject: Recommendation Report**  
**File Number: D35-004-2022**  
**Address: 2312 Princess Street**  
**District: District 2 – Loyalist-Cataraqui**  
**Application Type: Official Plan & Zoning By-Law Amendment**  
**Owner: 976653 Ontario Inc.**  
**Applicant: Patry Inc.**

Mr. Clendening conducted a PowerPoint presentation regarding the Application for Official Plan and Zoning By-Law Amendment at 2312 Princess Street. A copy of the application is available upon request through the City Clerk's Department.

Councillor Chaves asked for confirmation on the nature of the parking garage proposed. He asked for clarification on the slope grade at the rear of the proposed building and

how it would affect water drainage. Mr. Clendening explained that the parking was underground. He stated that the site would be graded which would create an increase of the grade by two metres at the rear. He stated that the slope grade was 1.5 metres rise to run. He noted that the property would be subject to Site Plan Control and drainage would be covered at that time. He confirmed that drainage must be the same as the current situation.

Councillor Chaves expressed concern regarding the impact of shadowing and overlook due to the new proposed site level. He asked if the proposed setbacks considered the properties on Ellesmeer Avenue. He pointed to the diagrams in the report and stated that the balconies on the second floor would be able to look over the fence. He asked why the balconies on that floor were proposed and if Juliette balconies could be installed on that floor instead. He inquired if the difference in grading would impact the shadowing. Mr. Clendening noted that the building at ground would be 1.3 metres higher than the current situation and that the properties on Ellesmeer Avenue raise in elevation as they move north. Mr. Bar explained the properties on Ellesmeer Avenue were consistent in height at the point where dwellings were built. He stated that staff believed the second-floor balconies proposed were appropriate due to being the same height as the house's rear decks. He noted that the upper floors did not have balconies due to overlook concerns. He stated that conversations had taken place regarding Juliette balconies.

Councillor Chaves asked if there were other amenities proposed that residents could use as opposed to a balcony. He stated that if residents wanted a balcony they could look at other units. He asked if older trees would be planted. He noted that it would take time for the vegetation to grow and asked if a higher fence could be installed. Mr. Clendening noted that 7 balconies were proposed. He explained that the Zoning By-Law required a two-metre-deep planting strip and that staff would use the Tree By-Law as a tool to get trees replanted. Mr. Bar stated that there was additional amenity space and that staff generally supported providing units their own outdoor amenity space. He noted that the applicant was in favour of increasing the amount of vegetation and planting mature vegetation to ensure a more rapid growth. He explained that the fence height was a matter of contention as the applicant would prefer a lower fence with more vegetation. He commented on the issues the applicant was having at the neighbouring property regarding the fence.

Councillor Chaves asked for clarification on the proposed setbacks. Mr. Bar explained the setbacks and noted that the building increases in setback the higher it went.

Councillor Osanic pointed to a strip of trees in the diagrams and asked if they were on a separate property. She asked for clarification on the title of the landscape plan. She noted that fruit trees were proposed in the landscape plan and stated her opinion that taller trees should be planted alongside Andersen Drive to provide shade to the building. She stated that there were other locations for the proposed fruit trees on the property. Mr. Bar confirmed that the trees mentioned belonged to a separate property owner and would remain. He confirmed the title of the landscape plan. He explained that the fruit tree proposal was born out of the heritage impact statement due to the original use of the heritage structure.

Councillor Osanic inquired after the installation of electric vehicle charging stations being installed. She asked that any new trees be supported by installing a watering system or waterbags. Mark Touw, agent for the applicant, confirmed that there would be charging stations installed.

Councillor Oosterhof expressed concern for the residents on the north side of the development on Ellesmeer Avenue and asked for confirmation that every effort to support them was being made. He noted the loss of privacy. Mr. Clendening explained that the lot was irregular in shape and contained an existing heritage building which influenced the design of the proposal. He stated that the decisions came down to what would be a reasonable impact on the neighbourhood. He confirmed that shadows would not encroach on neighbouring properties in the summer, spring, or fall. He noted that Princess Street was intended to be intensified. Mr. Bar added that Princess Street was unique and that projects were weighed with consideration on where they were along the street. He reiterated the setbacks proposed and the actions the applicant has done to improve the proposal. He noted his understanding that the balconies on the second floor were contentious. He highlighted that the proposal had evolved significantly since first planned.

Councillor Chaves noted that 270 parking stalls were proposed for the 300 units in the building. He asked how these would be allocated. He further inquired about the use of stacked parking stalls. He expressed concern that the units without parking spaces would park on the streets nearby. Mr. Clendening confirmed that the number of parking stalls was in compliance with the Zoning By-Law and that stalls would be allocated by the developer. He explained that stacked parking stalls increased the total spaces to 291. He noted that the applicant had sought relief from the visitor and carshare spaces required. Mr. Bar confirmed that the parking stalls would be included in the leasing information.

Councillor Chaves expressed concern regarding the aesthetic design of the proposal. He asked if the outdoor amenity space would have a sound barrier. He inquired about the efforts being done to bring the building close to net-zero and asked if a community garden could be established. Mr. Clendening explained that building design would be refined at Site Plan Control. He confirmed that Heritage Services would be able to provide input on the cladding of the building. He reiterated that the building was designed for those who may wish to not own a personal vehicle. He pointed to the wood-frame construction of the building as an example of the building's sustainability. Mr. Bar explained that further environmental elements would be confirmed at Site Plan Control. He stated that no sound barrier was required around the outdoor amenity space. He noted that there was space on the property for a community garden.

Councillor Osanic expressed disappointment about the loss of eleven large black walnut trees on the property. She asked if the applicant would replace the trees with new black walnut plantings. Mr. Bar stated that the species of tree to be planted would be raised at Site Plan Control.

The Chair provided an opportunity for members of the public to make comment.

Frank Dixon, 495 Alfred Street, noted the amount of discussion that had taken place regarding drainage. He noted that trees play a large role in adequate drainage and asked if trees could be transplanted to improve drainage. He further noted that a significant amount of trees had been lost in the area.

Mary O'Brian, 163 Ellesmeer Avenue, stated she was speaking on behalf of a community group. She noted that the building proposed was too large in mass and height and was larger than the building at 2274 Princess Street. She stated that the neighbours wished to have the same consideration as those from that project. She expressed support for Juliette balconies to be installed on the North elevation instead of the full-sized ones. She expressed disappointment about the loss of privacy and the increase in noise. She stated that a higher fence would be supported by the neighbourhood. She expressed further concern regarding the increase in grade and the impact of shadowing on her property. She stated that a reduction in the number of floors would provide relief from several of the concerns. She expressed support for additional housing in general but asked that consideration be taken for existing residents in the neighbourhood.

Phylis Landridge, 143 Ellesmeer Avenue, stated that drainage would be the largest issue. She noted that her rear fence was going to be able to be seen over by the proposal. She noted the swale in the rear of her property and stated that drainage was

already an existing issue and that the changes would produce more runoff. She expressed concern for the loss of privacy. She asked for sympathy to be shown to the existing residents of the area. She expressed support for Juliette balconies to be installed.

June Blackburn, 131 Ellesmeer Avenue, explained how the development at 2274 Princess Street had been improved and changed and that similar changes needed to be made for the current proposal. She noted that housing was needed in the city. She stated that a major concern was the height of the proposed building which she noted at eight metres taller than 2274 Princess Street. She noted that the applicant had previously accepted only Juliette balconies on the north face of that building and asked that the same consideration be taken for the residents north of 2312 Princess Street. She pointed to the shadowing and stated that several residents would have no sunlight during the winter months. She noted her disappointment that no noise reduction measures would be implemented for the outdoor amenity space. She asked if anything would be done to ameliorate the concerns raised.

In response to the public comments Mr. Bar stated that staff would be supportive of deferring the application to a later meeting to address the issues raised by the Committee and members of the public.

Moved by Councillor Osanic  
Seconded by Councillor Glenn

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

**That** the applications for Official Plan and zoning by-law amendments (File Number D35-004-2022) submitted by Patry Inc., on behalf of 976653 Ontario Inc., for the property municipally known as 2312 Princess Street, be approved; and

**That** the City of Kingston Official Plan, as amended, be further amended, Amendment Number 88, as per Exhibit A, (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-24-010; and

**That** Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A and B to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-010; 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.

**Deferred**

**(See Motion to Defer, which Carried)**

Moved by Councillor Osanic  
Seconded by Councillor Glenn

**That** Report PC-24-010 be deferred so that staff can have additional conversations around compatibility considerations with the residents and the developer.

**Carried**

**b) Subject: Recommendation Report**

**File Number: D14-012-2023**

**Address: 1329, 1343, 1347, 1375, 1383 Gardiners Road and 561 Macrow Street**

**District: District 2 – Loyalist-Cataraqui**

**Application Type: Zoning By-Law Amendment**

**Owner: Clermont Investments Inc.**

**Applicant: Boulevard Group**

Ms. Didrikson conducted a PowerPoint presentation regarding the Application for Zoning By-Law Amendment at 1329, 1343, 1347, 1375, 1383 Gardiners Road and 561 Macrow Street. A copy of the presentation is available upon request through the City Clerk's Department.

Councillor Chaves asked for confirmation that vegetation would be planted at the site. He expressed support for additional plantings. He noted that the presentation mentioned two new buildings while the property has several addresses and asked for clarity on the proposal. Ms. Didrikson stated that there was an approved landscape plan for the properties. She noted that it was a gateway property and that staff were looking for more vegetation. She stated that there were several legacy addresses in the site. She confirmed that only two buildings were proposed. Mr. Bar explained that plantings like those on Sir John A. Macdonald Boulevard were city initiated and that staff cannot require certain items. He stated that staff would work with the applicant at the Site Plan Control stage.

The Chair provided an opportunity for members of the public to make comment. There were no comments received from the public.

Moved by Councillor Chaves  
Seconded by Councillor Osanic

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

**That** the application for a zoning by-law amendment (File Number D14-012-2023) submitted by Boulevard Group, on behalf of Clermont Investment Inc., for the property municipally known as 1329,1343,1347,1375,1383 Gardiners Road and 561 Macrow Street, 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-24-002; and

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

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

**Carried**

- c) Subject: Recommendation Report**  
**File Number: D14-013-2023**  
**Address: 2103 McKendry Road**  
**District: District 1 – Countryside**  
**Application Type: Zoning By-Law Amendment**  
**Owner: Peter Skebo**  
**Applicant: The Boulevard Group**

Note: Item c) was withdrawn from the Agenda via the addendum.

- d) Subject: Recommendation Report**  
**File Number: D14-004-2023**  
**Address: 769 King Street West**  
**District: District 5 – Portsmouth**  
**Application Type: Zoning By-Law Amendment**  
**Owner: Yuri Levin**  
**Applicant: Fotenn Planning & Design**

Mr. Wicke conducted a PowerPoint presentation regarding Application for Zoning By-Law Amendment at 769 King Street West. A copy of the presentation is available upon request through the City Clerk's Department.

Councillor Osanic asked for confirmation on the number of trees that would be retained. Mr. Wicke stated that three private trees and the city tree would be retained.

The Chair provided an opportunity for members of the public to make comment.

Tracey Watson, 9 Cartwright Street, stated her concern regarding the proximity of the proposed development to her home. She noted that the tree being removed is the tree providing the most privacy. She expressed her belief that the retained trees would likely die due to the construction. She pointed to the number of proposed bedrooms and further expressed concern for the development.

In response to the public comment Mr. Wicke noted that the applicant had not requested relief regarding the proximity of the proposed development to the property line and thus any building could be built at the same site. He noted that the proposal was also within the height requirements of the Zoning By-Law. He explained that the proposal was indicative of good development.

Moved by Councillor Glenn  
Seconded by Councillor Osanic

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

**That** the application for a zoning by-law amendment (File Number D14-004-2023) submitted by Fotenn Planning + Design, on behalf of Yuri Levin, for the property municipally known as 769 King Street West, 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-24-008; and

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

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

**Carried**

**e) Planning Advisory Committee Meeting Notes**

The Committee did not provide comment.

Moved by Councillor Chaves

Seconded by Councillor Oosterhof

**That** the Planning Advisory Committee Meeting Notes be received.

**Carried**

**Motions**

There were none.

**Notices of Motion**

There were none.

**Other Business**

There was none.

**Correspondence**

See Addendum.

**Date of Next Meeting**

The next meeting of the Planning Committee is scheduled for Thursday, December 21, 2023 at 6:00 p.m.

**Adjournment**

Moved by Councillor Glenn  
Seconded by Councillor Osanic

**That** the meeting of the Planning Committee adjourn at 8:40 p.m.

**Carried**