

# City of Kingston Report to Planning Committee Report Number PC-24-056

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: October 25, 2024

Subject: Recommendation Report

File Number: D07-002-2023

Address: 998 Highway 15

District: District 12 - Pittsburgh

Application Type: Final Plan of Condominium

Owner: Tamarack (Rideau 2) Corporation

Applicant: Fotenn Consultants Inc.

#### **Council Strategic Plan Alignment:**

Theme: 1. Support Housing Affordability

Goal: 1.1 Promote increased supply and affordability of housing.

#### **Executive Summary:**

The following is a report recommending approval to the Planning Committee regarding an application for final plan of condominium submitted by Fotenn Consultants Inc., on behalf of Tamarack (Rideau 2) Corporation, with respect to the subject site located at 998 Highway 15.

The application pertains to a residential subdivision development (Riverview Shores) under construction through earlier *Planning Act* approvals. The residential subdivision consists of 243 residential lots, a linear park block, a stormwater management pond, a 30-metre-wide environmental protection area along the Great Cataraqui River as well as new municipal streets. A total of 136 single-detached dwellings and 107 townhouse dwellings are to be provided.

Page 2 of 9

The purpose of the Final Plan of Condominium is to establish the rock wall and safety zone along the east and north edges of the property (Block 257) as a common elements condominium that all residential lots within the subdivision will become parcels of tied land with. The condominium agreement will ensure that the common elements of the condominium corporation are properly maintained, insured, and funded in perpetuity. This will provide for the long-term maintenance, repair and insurance of the rock wall along the east and north edges of the subdivision. The agreement also covers fencing and retaining walls, gates, the entrance sign, ice and snow removal, and landscaping on the subject block.

The application is consistent with the Provincial Planning Statement (2024) and conforms with the policies of the City of Kingston Official Plan. The uses and structure comply with the applicable zoning. No specific concerns were raised through the technical circulation of the application and all technical and functional matters related to the development have been addressed through the registered Final Subdivision agreement.

#### Recommendation:

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

**That** the application for final plan of condominium (File Number D07-002-2023) submitted by Fotenn Consultants Inc., on behalf of Tamarack (Rideau 2) Corporation, for the property municipally known as 998 Highway 15, be exempted under Section 9(6) of the *Condominium Act* from the provisions of Section 51 and 51.1 of the *Planning Act* that would normally apply under Section 9(2) of the *Condominium Act*; and

**That** final approval be granted to the final plan of condominium (File Number D07-002-2023) submitted by Fotenn Consultants Inc., on behalf of Tamarack (Rideau 2) Corporation, for the property municipally known as 998 Highway 15, subject to the Owner entering into a Condominium agreement with the City, which agreement shall provide further notice to the Condominium Corporation and present and future purchasers, of the conditions contained within the registered Subdivision agreement and that the Condominium Corporation will be responsible for maintaining the approved site works and fulfilling any conditions of the agreement; and

**That** subject to the satisfaction of the Director of Legal Services & City Solicitor, the Mayor and Clerk be authorized to execute the Condominium agreement, and the Director of Legal Services & City Solicitor be authorized to forward the necessary signed and stamped originals and required copies of the Final Plan of Condominium to the Land Registry Office for registration.

Page 3 of 9

#### **Authorizing Signatures:**

#### ORIGINAL SIGNED BY COMMISSIONER

Paige Agnew, Commissioner, Growth & Development Services

p.p.

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 Priorities Not required

Brad Joyce, Commissioner, Infrastructure, Transportation &

Emergency Services Not required

Desirée Kennedy, Chief Financial Officer & City Treasurer Not required

Page 4 of 9

#### **Options/Discussion:**

#### **Background and Decision Date**

On July 4, 2023, a Final Plan of Condominium application was submitted by Fotenn Consultants Inc., on behalf of the Tamarack (Rideau 2) Corporation, for the purpose of establishing a Condominium to be responsible for maintenance and repair of the rock wall as well as fencing, gates and landscaping on the subject block (Block 257).

Applications for Official Plan amendment, Zoning By-Law amendment, and draft Plan of Subdivision were approved by Council on September 20, 2022 (PC-22-039) and PC-22-052). PC-22-052 was a Supplemental Report in which Planning Services indicated that they were satisfied that the legislative requirements of the *Condominium Act* would ensure that the common elements of the proposed condominium corporation are properly maintained, insured, and funded in perpetuity, and that Legal Services were satisfied that approval of these applications for Official Plan amendment, zoning by-law amendment, and draft plan of subdivision will not result in risk to the City in the unlikely event that the proposed condominium corporation should go "bankrupt" in the future.

#### **Application and Submission**

The applicant is requesting the approval of a Plan of Condominium under the exemption process outlined in Section 9(6) of the *Condominium Act*. The development consists of 243 residential lots, a linear park block, a stormwater management pond, a 30-metre-wide environmental protection area as well as new municipal streets. The development will be managed as a Standard Condominium with shared common elements being owned by the Condominium Corporation.

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

• Draft Plan of Condominium (Exhibit F).

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

#### **Site Characteristics**

The subject lands are located on the east side of Kingston, in the Former Pittsburgh Township area (Exhibit B – Key Map). The lands have an area of approximately 17.0 hectares and 570 metres of frontage along Highway 15. The subject lands were formerly occupied by a quarry operation, which resulted in an excavated area with exposed sheer rock cuts along the north, east, and south property lines. Directly north of the lands is the Riverview subdivision, east of the site is the Greenwood Park subdivision, south of the site is the vacant Axion Development

Page 5 of 9

lands and the Great Cataraqui River/Rideau Canal is to the west (Exhibit C – Neighbourhood Context (2024)).

### **Provincial Planning Statement**

The Provincial Planning Statement (2024) 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 PPS recognizes Ontario as a vast, fast-growing province and the need to increase the supply and mix of housing options to support a diverse population and workforce. It prioritizes compact and transit-supportive design and optimizing investments in infrastructure and public services facilities to support convenient access to housing, quality environment, services and recreation. Cultural heritage and archaeology will provide people with a sense of place. Through specific policies related to building homes, sustaining strong and competitive communities, infrastructure and facilities, wise use and management of resources and protecting public health and safety, the PPS lays the framework for fundamental land use planning in Ontario.

Section 2.3.1 indicates that settlement areas shall be the focus of growth and development. It supports general intensification and redevelopment in settlement areas to support the achievement of complete communities. This includes planning for a range and mix of housing options. Section 2.3.1.2 stipulates that land use patterns within settlement areas should be based on densities and a mix of land uses which efficiently use land and resources, optimize existing and planned infrastructure and public services facilities, support active transportation, are transit-supportive (as appropriate) and are freight-supportive.

The development of a subdivision with 243 residential lots will introduce more medium density land uses to the Rideau Community neighbourhood and was approved through Final Plan of Subdivision (File Number D12-003-2022). The development is in a cost-effective form that minimizes land consumption, contributes new infrastructure, and utilizes existing infrastructure, public service facilities, active transportation and transit. The cultural heritage of the Rideau Canal National Historic Site and UNESCO World Heritage Site is conserved through the maintenance of a vegetated buffer along the shoreline and built forms which complement the natural setting.

Based on the above, the proposed Final Plan of Condominium is consistent with the Provincial Planning Statement.

#### Official Plan Considerations

The subject lands are located within the Rideau Community Secondary Plan area and are designated Mid-Rise Residential, Environmental Protection Area (EPA) and Site-Specific Policy Area on Schedule RC-1 in the Official Plan (Exhibit D – Official Plan, Land Use) and are located within the Housing District as shown in Schedule 2 – City Structure, of the Official Plan. The intent of the Rideau Community Secondary Plan is to encourage the development of two District Commercial areas as its focal points of commercial and business activity for surrounding residential neighbourhoods such as this. Housing Districts are planned to remain stable in

Page 6 of 9

accordance with Section 2.6 of the Official Plan and will continue to mature and adapt as the city evolves. The EPA designation recognizes lands with inherent environmental sensitivity that must be maintained in their natural, undisturbed state.

While the Mid-Rise Residential land-use designation permits low-rise residential uses such as townhouses and low-rise apartments, the Site-Specific Policy Area states that the permitted uses include small lot single-detached dwellings, single dwellings, semi-detached dwellings, planned unit townhouse dwelling and street townhouse dwellings. The overall density of development is from 26 to 25 units per next hectare and the maximum height of townhouses is two storeys. The portion of the lands that falls within the EPA designation, the lands adjacent to the Great Cataraqui River, will be preserved.

Section 9.6.20 of the Official Plan states that when reviewing Plans of Condominium, the City will have regard for the general land division policies of Section 9.6, as well as the following:

- a. The plan of condominium, the proposed units, and common elements are appropriate for the intended purpose and meet all requirements for the intended purpose, and meet all requirements of the zoning by-law, Ontario Building Code and Property Standards By-Law:
- b. The plan of condominium meets the requirements of the Site Plan Control By-Law; and
- c. The plan of condominium meets the requirements of the Parkland Conveyance By-Law.

The proposed Final Plan of Condominium is tailored to its purpose which is to provide for the long-term maintenance and repair of the rock wall and safety area which forms the east and north edges of the subdivision. The agreement also covers fencing and retaining walls, gates, the entrance sign, ice and snow removal, and landscaping on the subject block. There is a Subdivision Agreement registered on title; no Site Plan Control agreement is required. No additional parkland conveyance is required.

The proposed Final Plan of Condominium conforms with the policies of the Official Plan.

#### **Zoning By-Law Considerations**

The properties are zoned Urban Residential Zone 3 (UR3), General Open Space Zone (OS2) and Environmental Protection Area Zone (EPA) within Exception Overlays E91, E92, E93, E94 and E95 in Zoning By-Law Number 2022-62, as amended (Exhibit E – Existing Zoning). Legacy Exception Overlays E91 and E92 provide site-specific provisions related to the build out of the new residential lots. E93 applies to the EPA lands along the water and indicates that the permitted uses are conservation use and/or passive recreation use only. E94 and E95 apply to the General Open Space lands; E94 establishes park use as the only permitted use and E95 permits park, recreation facility and/or stormwater management infrastructure uses.

The approved Final Plan of Subdivision for the site has been confirmed to comply with the applicable zoning regulations. Through a pre-servicing agreement construction has proceeded on site including preliminary grading, completion of watermain, sanitary main and their related appurtenances, storm water main and their related appurtenances. Granular road base has

Page 7 of 9

been installed and base asphalt is in place for all roads except the east leg of future Dockside Drive. Construction of the stormwater facility is complete.

#### Other Applications

Official Plan amendment, Zoning By-Law amendment, and draft Plan of Subdivision were approved by Council on September 20, 2022 (<u>PC-22-039</u> and <u>PC-22-052</u>).

A Subdivision Agreement, dated August 22, 2024, was registered on title to the lands on September 19, 2024 as instrument number FC393749.

#### **Condominium Act**

In accordance with Section 9(6) of the *Condominium Act*, an 'Application for Exemption' recognizes that the proposed development has recently been subject to development approvals pursuant to the *Planning Act* resulting in a development agreement, such as a site plan agreement, being registered on title of the subject property. The agreement would dictate the details of the proposed development. Consequently, Conditions of Draft Plan of Condominium Approval may not be required, and the development may proceed directly to Final Condominium Approval.

The subject property is tied to the registered subdivision agreement and has been developed in accordance with the approved drawings and the conditions of said agreement.

### **Technical Analysis**

These applications have been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding technical issues with these applications remain at this time.

#### Conclusion

In conclusion, Planning Services recommends approval of the application for Final Plan of Condominium for the lands known municipally as 998 Highway 15.

No concerns were received in connection with the Final Plan of Condominium application. This application is consistent with the Provincial Planning Statement and conforms with the City of Kingston Official Plan and complies with the zoning by-law. A subdivision agreement is registered on the title of the subject lands to ensure that the development is constructed in accordance with the approved plans.

### **Existing Policy/By-Law:**

The application 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:

Page 8 of 9

#### **Provincial**

Planning Act

Condominium Act

Provincial Planning Statement, 2024

#### Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62, as amended

#### **Notice Provisions:**

None

#### **Accessibility Considerations:**

None

#### **Financial Considerations:**

None

#### **Contacts:**

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

Lindsay Reid, Senior Planner – Urban Designer, 613-546-4291 extension 3277

#### **Other City of Kingston Staff Consulted:**

None

#### **Exhibits Attached:**

Exhibit A Proposed Condominium Agreement

Exhibit B Key Map

Exhibit C Neighbourhood Context (2024)

Exhibit D Official Plan, Land Use

Exhibit E Zoning By-Law Number 2022-62, Map

Page 9 of 9

Exhibit F Draft Condominium Plan

	Report Number F	Exhibit A PC-24-056
	Clause, Report No	, 2024
		Page 1
Condominium A	greement	
This Agreement made in duplicate this	day of	, 2024
BETWEEN:		

Tamarack (Rideau 2) Corporation (the "Owner")

Of The First Part

- and -

## The Corporation Of The City Of Kingston (the "Municipality")

Of The Second Part

**Whereas** the Owner is the registered owner of the lands known municipally as 998 Highway 15 and legally described in Schedule "A" of this Agreement (the "Owner's Lands");

**And Whereas** the Owner has made an application (File Number D07-002- 2023) to the Municipality for approval of a Common Elements Condominium Plan under the exemption process for the common element identified as Block 257 on Registered Plan 13M-148, which is located on the Owner's Lands (the "Application");

**And Whereas** the Owner's Lands are subject to a Subdivision Agreement, dated August 22, 2024, and registered on title September 19, 2024 as Instrument Number FC393749;

And Whereas the request for Final Condominium Approval under the *Condominium Act*, 1998, S.O. 1998, c.19 is appropriate, in that the Common Elements Condominium Plan conforms to the existing City of Kingston Official Plan, Kingston Zoning By-law 2022-62 and is subject to a registered Subdivision Agreement;

**And Whereas** the Municipality is satisfied that an exemption from the provisions of sections 51 and 51.1 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, is appropriate;

**And Whereas** on Month Day, 2024, Council for The Corporation of the City of Kingston approved the Application;

AND WHEREAS the approval of Council for the Municipality was subject to the Owner entering into a Condominium Agreement with the Municipality, which Agreement is to reference the registered Subdivision Agreement and provisions therein relating to the rock wall and safety zone, and which Condominium Agreement is to be registered against title to the Owner's Lands to serve as notice to purchasers that the Common Elements Condominium Corporation will be responsible to fulfill any conditions as set out in such Condominium Agreement;

**Now Therefore This Agreement Witnesseth** that in consideration of the approval of the Plan of Condominium and the sum of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, the Owner for itself and for all successors in title, hereby agrees with the Municipality as follows:

1. **Prior To The Registration Of The Condominium Declaration**, the Owner shall submit a written report from a consulting professional (Engineer, Architect, Ontario Land Surveyor) clearly outlining any matters in this Condominium Agreement which will not be completed prior to the registration of the Condominium Declaration and are to be assumed by the Common Elements Condominium Corporation.

- 2. Purchasers are hereby advised that the Common Elements Condominium Plan is subject to a Subdivision Agreement, dated August 22, 2024, and registered on title September 19, 2024, as Instrument Number FC393749 insofar as the Subdivision Agreement provides for any matters arising out of or connected with the rock wall, safety zone, fencing and any other items located on, in, through, across or under Block 257 on Registered Plan 13M-148 forming the Common Elements of the Common Elements Condominium Corporation as defined in the Declaration of the Common Elements Condominium. Without limiting the generality of the foregoing, purchasers are advised that the Common Elements Condominium Corporation shall be responsible for maintaining the required works relating to Block 257 on Registered Plan 13M-148 and shown on the approved plans listed in Schedule "B" of this Agreement and shall be responsible for completing any required works not completed prior to the registration of the Condominium Declaration.
- 3. Without limiting the generality of Section 2 of this Agreement, purchasers are expressly advised that the Owner and any future Condominium Corporation shall indemnify the Municipality, its elected officials, employees, agents and contractors against all loss, liability, judgments, claims, costs and demands or expenses whatsoever which the Municipality may sustain, suffer or be put arising out of, directly or indirectly, any loss, injury (including injury resulting in death) or damage related to the rock wall and safety zone located within Block 257 on the registered Plan, (collectively, the "Losses") as well as all legal fees arising out of, incidental to or in connection therewith, provided that such Losses are not caused directly by the negligent acts of the Municipality, its employees, servants and agents.
- 4. Wherever this Agreement states "the Owner shall.....", this shall mean at the Owner's expense.
- 5. The Owner shall pay to the Municipality all costs associated with the approval and registration of this Agreement, as well as the cost of any grants of easement relative thereto.
- 6. It is agreed between the parties hereto that every covenant, proviso and agreement herein shall enure to the benefit of and be binding upon the parties hereto, and their heirs, executors, administrators, successors and assigns; that all covenants herein shall be construed as being joint and several and that, when the context so requires or permits, the singular number shall be read as if the plural were expressed, and the masculine gender as if the feminine or neuter gender, as the case may be, were expressed.

[Signature page follows]

**In Witness Whereof** the parties hereto have affixed their Corporate Seals, under the hands of their proper signing officers, duly authorized in that behalf.

Signed, Sealed And Delivered in the presence of	) Tamarack (Rideau 2) Corporation ) )
I have the authority to bind the Corporation	)
	) The Corporation Of The City Of ) Kingston ) )
We have the authority to bind the Corporation	) Bryan Paterson, Mayor ) ) ) ) )
	) Janet Jaynes, City Clerk )

## Schedule "A" The Owner's Lands

**Legal Description**: Lots 1 to 243 inclusive, and Blocks 244 to 257 inclusive, Registered Plan 13M-148; Subject to an Easement in Gross Over Part 1 on Plan 13R-23133 as in FC386756; City of Kingston, County of Frontenac.

#### Schedule "B"

### Approved Plans For Works To Be Constructed On Block 257 On Registered Plan 13m-xx

### "Riverview Shores" Subdivision

### City of Kingston File Number D12-003-2022

Dwg. Cover Sheet	Cover Sheet
Dwg. No. GEN	General Plan -Scale 1:1000 – Dated June 2022 -Revision – Dated, June 19, 2024 -Prepared by Forefront Engineering Inc.
Dwg. No. G1	Grading Plan North West -Scale 1:500 – Dated June 2022 -Revision – Dated June 19, 2024 -Prepared by Forefront Engineering Inc.
Dwg. No. G2	Grading Plan North East -Scale 1:500 – Dated June 2022 -Revision – Dated June 19, 2024 -Prepared by Forefront Engineering Inc.
Dwg. No. G3	Grading Plan South -Scale 1:500 – Dated June 2022 -Revision – Dated June 19, 2024 -Prepared by Forefront Engineering Inc.
Dwg. No. G4	Wall Grading Plan -Scale 1:500- Dated June 2022 -Revision - Dated January 5, 2023 -Prepared by Forefront Engineering Inc.
Dwg. No. G5	Wall Sections -Scale 1:250 – Dated October 2022 -Revision – Dated January 5, 2023 -Prepared by Forefront Engineering Inc.
Dwg. No. D7	Fencing Details -Scale 1:1000 – Dated June 2022 -Revision – Dated June 19, 2024 -Prepared by Forefront Engineering Inc.
Dwg. No. L6	Rock Wall Landscape Plan -Scale 1:750 – Dated May 2022 -Revision – Dated June 19, 2024 -Prepared by Forefront Engineering Inc.

The Original Of All Plans Listed In This Schedule And Incorporated By Reference Into This Agreement Are On File In The Office Of The Director Of Engineering And Shall Govern In The Event Of Any Dispute.

Prepared On: Sep-12-2024

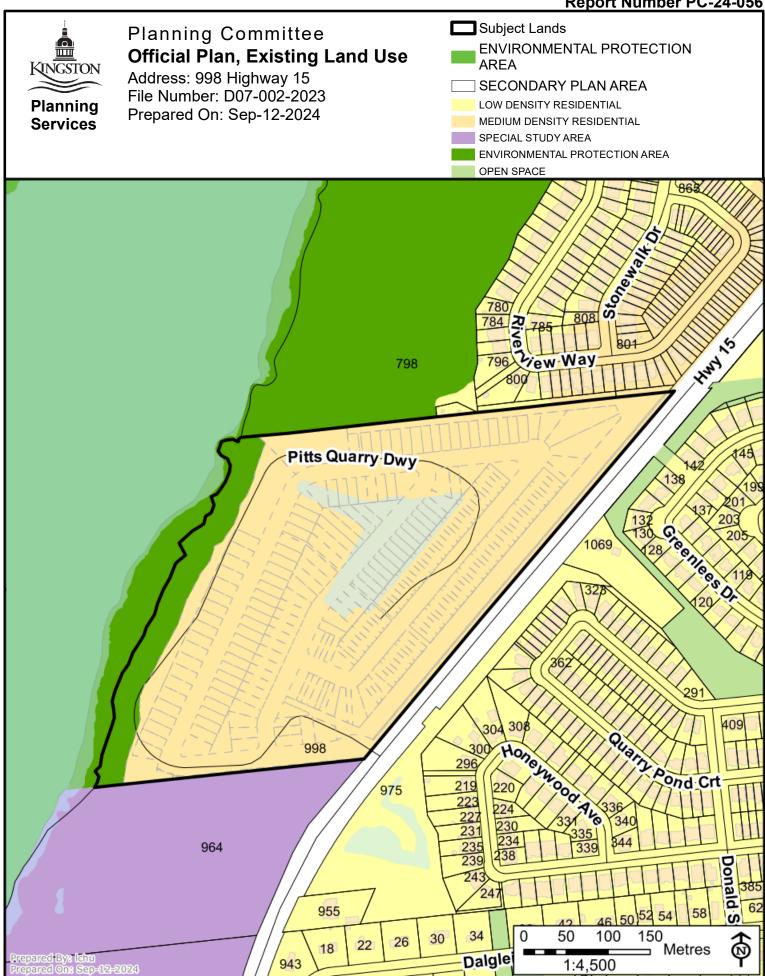


## Planning Committee **Neighbourhood Context**

Address: 998 Highway 15 File Number: D07-002-2023 Prepared On: Sep-12-2024

Subject Lands
Property Boundaries
Proposed Parcels





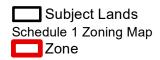


Planning Committee

## Existing Zoning Kingston Zoning By-Law 2022-62

Planning Services

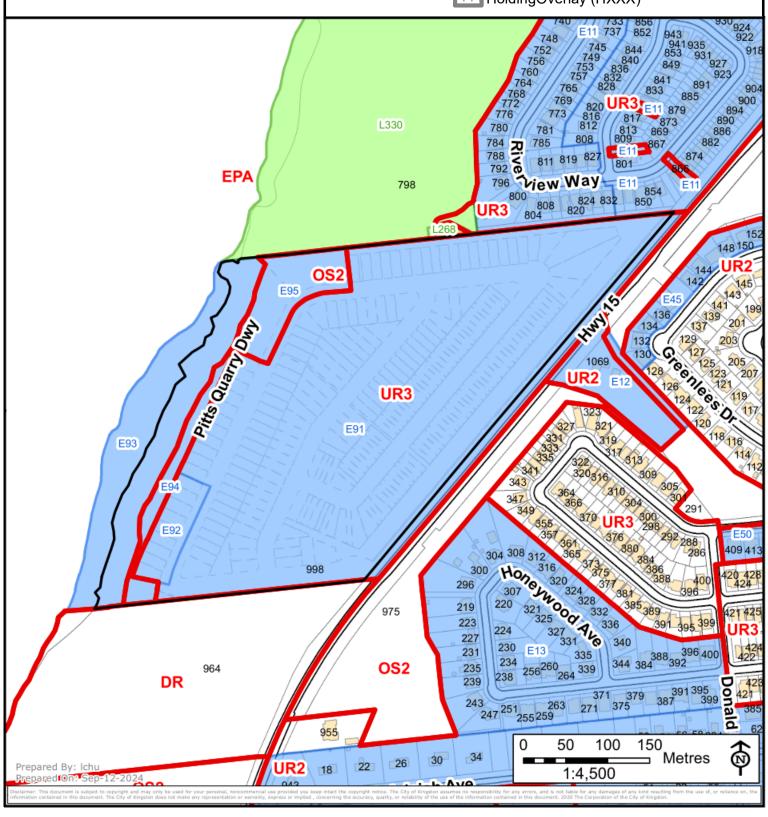
Address: 998 Highway 15 File Number: D07-002-2023 Prepared On: Sep-12-2024

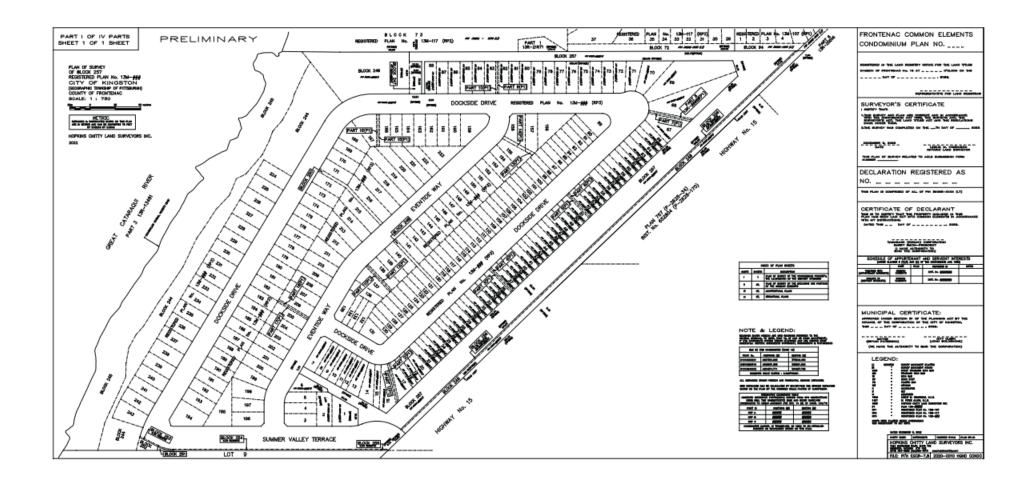


Schedule E - Exception Overlay

Legacy Exceptions (LXXX)

Exceptions (EXXX)
Schedule F - Holding Overlay
HoldingOverlay (HXXX)







## City of Kingston Community Meeting Form

**Note to Applicant:** This Form is to be completed by the Applicant and is intended to provide a detailed description of the site, locational context and the proposed application as the basis for a Community Meeting at Planning Committee. The only supplementary information that will be provided by Staff for the Community Meeting is a map package (location, Official Plan, zoning, etc). Please keep residents and members of Planning Committee in mind when completing this form by ensuring that all information is thorough, detailed and understandable. Where a field is not applicable to the site or proposal, please indicate "N/A". Since this Form will be attached as an exhibit to a staff report, this Form must be completed in a manner that is accessible. Please refrain from using formatting or tables that are not accessible. If this form is completed in a manner that is not accessible, it may result in delays to the timing of the Community Meeting and may require staff to make amendments or adjustments prior to attaching the form as an exhibit to a staff report.

## **Owner/Application Information**

**Owner:** Caraco Group of Companies

Applicant (if Owner is not the Applicant): Fotenn Consultants Inc. c/o Miles Weekes

#### **Site Characteristics**

#### Site address:

55 Cataraqui Woods Drive, Kingston

#### Site area:

15,274 square metres

Description of existing use and buildings on site (height, floor area, units, bedrooms, parking spaces, setbacks, etc):

Vacant

#### Official Plan designation:

The site is located within the City of Kingston Urban Boundary and is designated Arterial Commercial on Schedule CN-1 of the Cataraqui North Neighbourhood Secondary Plan, in the City of Kingston Official Plan ("OP").

#### Zoning by-law (zone and other relevant schedules and overlays):

The lands are zoned Arterial Commercial (CA) Zone with Legacy Exception L226 in the Kingston Zoning By-law 2022-62. The site is located within the PA5 parking area on Schedule 2 of the Zoning By-Law.

#### **Existing number of trees:**

Multiple trees are located around the periphery of the site. The exact number, size, and species of trees has not yet been confirmed at this stage.

#### Number of existing trees to be retained:

Details regarding trees to be retained/removed will be confirmed through the future Site Plan Control application process with the City of Kingston.

Description of heritage status (not a heritage building, listed, designated or located in a heritage conservation district):

Not a heritage property.

## **Description of Surrounding Uses and Buildings**

East: Commercial

West: Residential

North: Lyndenwood Stormwater Management Facility

South: Hydro One Storage Yard

## **Description of Proposal**

Summary description of the proposal (use, height, floor area, setbacks, units, bedrooms, condominium, rental, affordability level, parking and bike spaces, will existing building or any existing features be retained/renovated/demolished etc.):

The applicant is seeking to construct a nine-storey purpose-built rental apartment building, with eight-storeys of residential units and one-storey for rooftop amenity and mechanical penthouse. The proposed development will result in a total of 150 residential units (98.2 units per net hectare), consisting of a mix of one-, two-, and three-bedroom units.

The building will front Cataraqui Woods Drive with a centralized pedestrian access, secondary pedestrian accesses and walkways and patios for ground-floor units. Ground floor units facing the rear of the property will similarly have individual patios with walkways from the surface parking area. A pedestrian drop-off area, surface bike parking, a moving bay, and garbage room with a loading space are also proposed in the rear of the building. Underground parking, including a bike parking area, and private storage lockers are proposed on the basement level.

A total of 190 parking spaces are proposed, with 148 of those spaces being located within an underground parking structure. A total of 9 visitor parking spaces are proposed, as well as three car share spaces, one short-term delivery space, and seven accessible spaces. Of the total 190 parking spaces, 27 are proposed to be allocated for electric vehicles. One loading space is proposed near the main entrance, at the rear of the building, for waste collection and moving purposes. The site will also feature 161 bicycle parking spaces, of which 146 will be long-term bicycle spaces and 15 will be short-term bicycle parking spaces.

In total, 3,152 square metres of private and communal outdoor amenity areas are proposed. Dwelling units at-grade will feature private outdoor patios with direct entrances to the outdoors, to help enhance pedestrian activity around the building. Upper storey dwelling units will feature private balconies. In addition, a variety of communal amenity areas are proposed on the ground floor, including a large outdoor patio and multiple programmable amenity areas. The programming for each amenity area will be determined through the future detailed design stages of the proposed development. A rooftop communal amenity area is also proposed, which will feature two rooftop decks and two programmable amenity rooms. rooms and two roof-top decks.

In addition to the programmed amenity spaces, the site will feature ample landscaped areas. A large 7,158 square metre green space is proposed on the west side of the property. This green space will serve as an open space for residents, and provides ample separation from the residences to the west. The space is large enough to accommodate numerous future tree plantings. In addition, 3,065 square metres of hard and soft landscaped space is proposed around the building and parking areas. In total, the landscape areas comprise approximately 67% of the total site area.

### Type of Application:

Official Plan Amendment & Zoning By-law Amendment

#### Proposed use:

Residential

#### Proposed number and type of residential units and bedrooms (if residential):

- 150 dwelling units (apartment)
  - o 31 one-bedroom units
  - o 37 two-bedroom units

- o 67 two-bedroom and den units
- 15 three-bedroom units

#### Proposed gross floor area (of each use):

Total Gross Floor Area = 17,998 square metres

#### **Proposed height:**

9 storeys

#### Proposed setbacks:

Front (north): 6 metres

Interior (east): 6 metres

**Interior (west):** greater than 50 metres

Rear (south): greater than 50 metres

Proposed number of vehicular parking spaces (include breakdown of occupant, visitor, car-share, accessible, etc.):

Total Parking Spaces = 190

- Occupant 170 spaces (27 EV-ready)
- Visitor 9 spaces
- Car-share 3 spaces
- Shot-term delivery 1 space
- Accessible 7 spaces

#### Proposed number of bicycle parking spaces:

161 bike spaces

#### **Proposed landscaped open space:**

67% landscaped open space

#### Proposed amenity area (if residential):

3,152 square metres

#### Proposed number of trees to be planted:

Trees are proposed to be planted; however, a landscape plan has not yet been prepared at this stage of the concept design. The total number of types of trees to be

planted will be determined through the future Site Plan Control application process, in consultation with the City of Kingston.

#### Description of how the application conforms with the Official Plan:

The subject site is located within a Housing District, as per Schedule 2 of the Official Plan. The site is designated Arterial Commercial on Schedule CN-1. An Official Plan Amendment is required to establish a site-specific policy which will permit a nine-storey residential dwelling with dwelling units on the ground floor. The proposed development is oriented towards the street to establish a strong streetscape presence, in a manner which is contextually compatible with adjacent uses to the east and west along Cataraqui Woods Drive. Where dwelling units are proposed at-grade, they will feature walkout entrances with direct access to the street. The intent of the design is to activate the streetscape and encourage pedestrian activity along the front of the building. The large green space to the west side of the property and outdoor patio space will also serve to enhance the public realm and activate the streetscape.

Section 3.4.E.4 of the OP permits standalone residential uses on lands designated Arterial Commercial and provides a useful indication of the overall vision and intent for underutilized Arterial Commercial lands within the City. As a vacant and underutilized site, the proposed development represents a logical and compatible development. The permitted density range for development in the Arterial Commercial designation is between 75 and 125 dwelling units per net hectare of land. The proposed development features a total of 150 dwelling units, resulting in a net density of approximately 98.2 units per hectare.

Section 10C.4.25(c) permits a maximum building height of eight storeys, however the proposed development has a total height of nine storeys. The residential components of the building will be limited to the first eight floors, whereas the ninth storey is only for rooftop amenity and will have a substantially reduced impact to the overall massing and appearance of the building. The proposed development is also substantially setback from adjacent ground-oriented residential dwellings to the west, with a large intervening green space which will feature a variety of plantings. The building is oriented such that potential shadowing impacts will be minimal on properties to the west.

Finally, the subject site satisfies the locational criteria for mid-rise and high-rise dwellings, as per Section 2.6.6 of the Official Plan. The site is located at the periphery of a neighbourhood, with frontage along a collector road (i.e.: Cataragui Woods Drive).

If located in an area that is subject to Official Plan policies related to source water, natural heritage system, natural heritage features and areas, hazards, cultural heritage resources, areas of archaeological potential, or areas of archaeological significance, description of how the proposal will conform with the policies:

Not applicable.

Description of amendment(s) required to the Zoning By-law:

A Zoning By-law Amendment Application is required to rezone the site from Arterial Commercial (CA) Zone, with exception L226, to an Arterial Commercial (CA) Zone with a new site-specific exception overlay (EXX). The purpose of the site-specific overlay (EXX) is to permit the proposed use, as well as to establish appropriate performance standards.

The site-specific exception overlay would permit the proposed apartment dwelling, as well as permit a maximum building height of nine (9) storeys, a maximum of 54% balcony coverage along the face of a main wall, and a minimum drive aisle width of 6.0 metres.

#### Other information that would be valuable for a Community Meeting:

None.

### **List of Drawings/Studies Submitted**

- Concept Plan
- Floor Plans
- Elevations
- Shadow Study
- Site Servicing & Stormwater Management Report
- Feasibility Environmental Noise Report
- Planning Justification Report
- Survey 13R-21978
- Survey 13R-6721
- Topographic Survey
- Phase II Environmental Site Assessment

#### **Community Meeting Form Prepared by:**

Fotenn Consultants Inc.

Date:

August 21, 2024

File Number D35-005-2024

#### By-Law Number 202X-XXX

A By-Law To Amend The City Of Kingston Official Plan (Amendment Number \_\_\_\_\_,

55 Cataraqui Woods Drive)	
	Passed: [Meeting Date]
Whereas a Public Meeting was held regarding this amend	dment on;
<b>Now Therefore</b> the Council of The Corporation of the Citwith the provisions of Section 17 of the <i>Planning Act</i> , R.S enacts as follows:	

- 1. The City of Kingston Official Plan is hereby amended by the following changes which shall constitute Amendment Number to the Official Plan for the City of Kingston.
- Amend Schedule 'CN-1: Cataragui North Neighbourhood Secondary Plan', of the (a) City of Kingston Official Plan, so as to designate the property located at 55 Cataragui Woods Drive, as shown on Schedule 'A' to By-Law Number 20XX-XX, as 'Site Specific Policy Area Number XX'.
- 2. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Site Specific Policy as Section 3.17.XX:

### 55 Cataragui Woods Drive, Schedule 3-D, SSP Number XX

- 3.17.XX Notwithstanding Section 10C.4, an apartment building with groundfloor residential uses and a maximum building height of 9 storeys shall be permitted on the property located at 55 Cataraqui Woods Drive, as shown on Schedule 3-D as Site Specific Policy Area Number XX.
- 3. This by-law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this by-law in accordance with the provisions of Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Exhibit A
Report Number PC-24-055

City of Kingston By-Law Number 202X-XX
Page 2 of 2

Given all Three Readings and Passed: [Meeting date]

Janet Jaynes City Clerk

Bryan Paterson

Mayor

## Exhibit A Report Number PC-24-055



## Schedule 'A' to By-Law Number Official Plan Amendment Number XX

Address: 55 Cataraqui Woods Drive

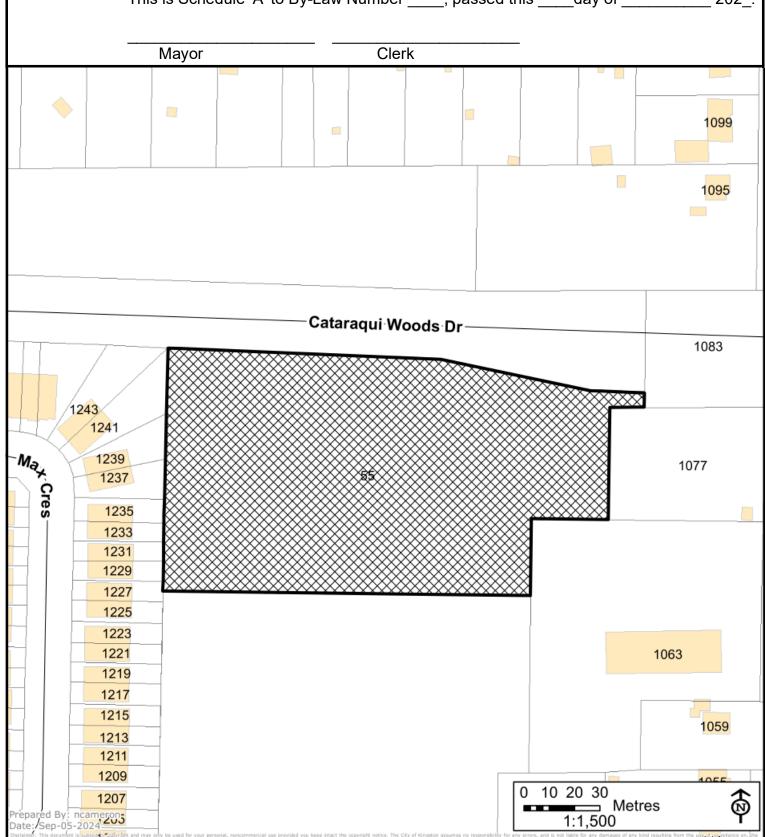
File Number: D35-005-2024

## Official Plan Schedule CN-1 Site Specific Policy

Lands Subject to Site Specfic Policy Number XX



This is Schedule 'A' to By-Law Number \_\_\_\_, passed this \_\_\_\_day of \_\_\_\_\_ 202\_.



File Number D35-005-2024

#### By-Law Number 202X-XX

A By-Law to Amend By-Law Number 2022-62, "Kingston Zoning By-Law Number 2022-62" (Removal of Legacy Exception 'L226' and Introduction of Exception Number 'EXXX', (55 Cataraqui Woods Drive))

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 E Exception Overlay is amended to remove Legacy Exception L226 and add Exception EXXX, as shown on Schedule "A" attached to and forming part of this By-Law.
  - 1.2. By adding the following Exception Number EXXX in Section 21 Exceptions, as follows:
    - **EXXX.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:
    - (a) In addition to the uses permitted by the applicable Zone, the following uses are permitted:
      - (i) Apartment building:
      - (ii) **Dwelling unit** in a mixed use building;
      - (iii) Hospice facility;
      - (iv) Retirement Home;
      - (v) Pharmacy / Drugstore.
    - (b) The maximum **building height** is 9 storeys (31 metres).

Page 2 of 2

- A maximum of 54% of the horizontal length of each face of the (c) main wall of each storey may be occupied by balconies. A minimum drive aisle width of 6.0 metres."
- (d)
- 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]
Janet Jawas
Janet Jaynes
City Clerk
Bryan Paterson
Mayor



## Schedule 'A' to By-Law Number

Address: 55 Cataraqui Woods Drive

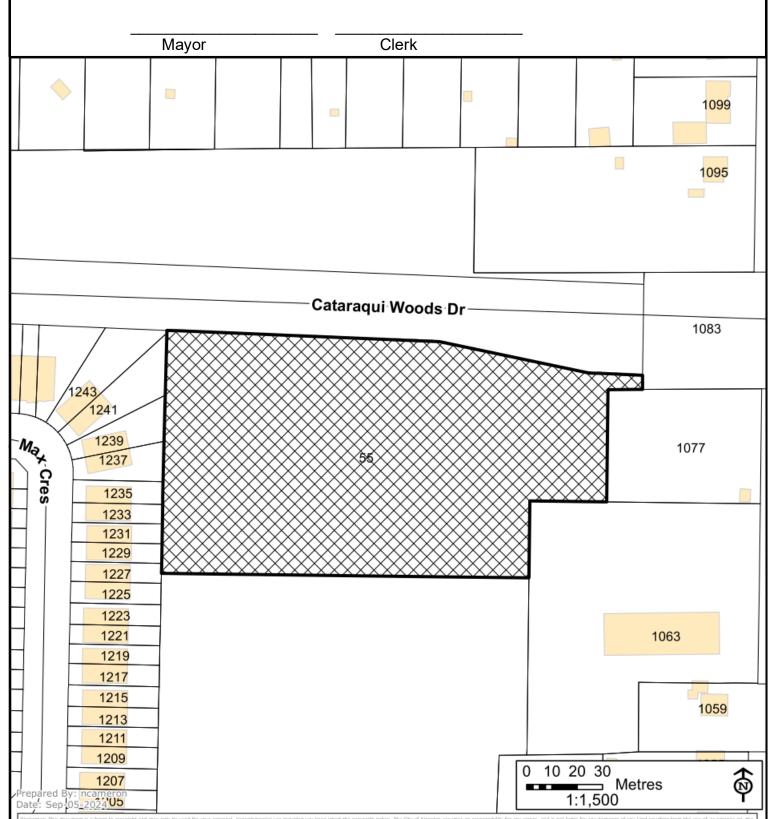
File Number: D35-005-2024

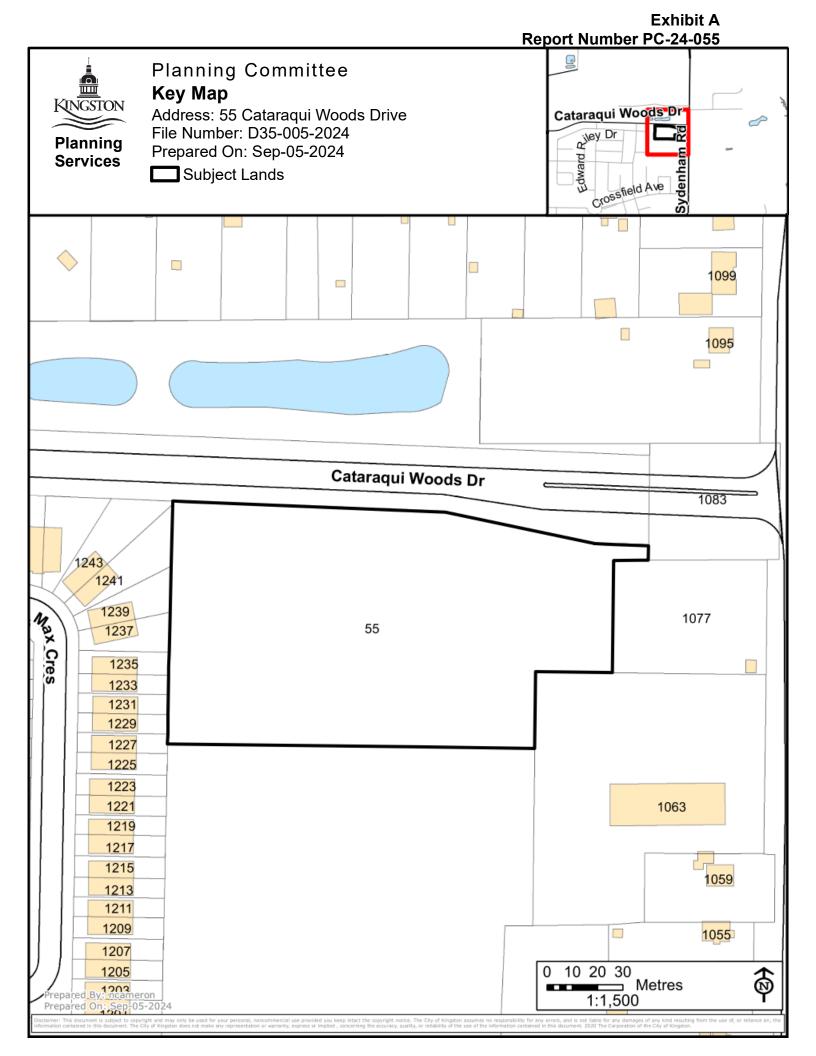
## Kingston Zoning By-Law 2022-62 Schedule E - Exception Overlay

Lands to be added as EXXX

#### **Certificate of Authentication**

This is Schedule 'A' to By-Law Number \_\_\_\_, passed this \_\_\_\_day of \_\_\_\_\_ 202\_.





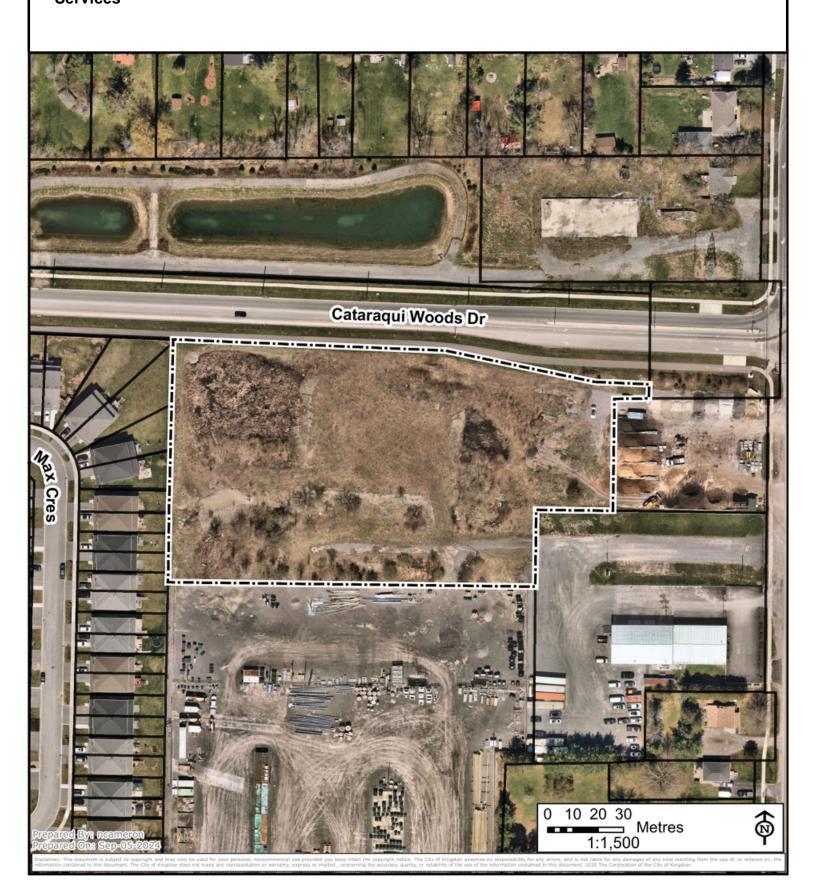


## Planning Committee Neighbourhood Context

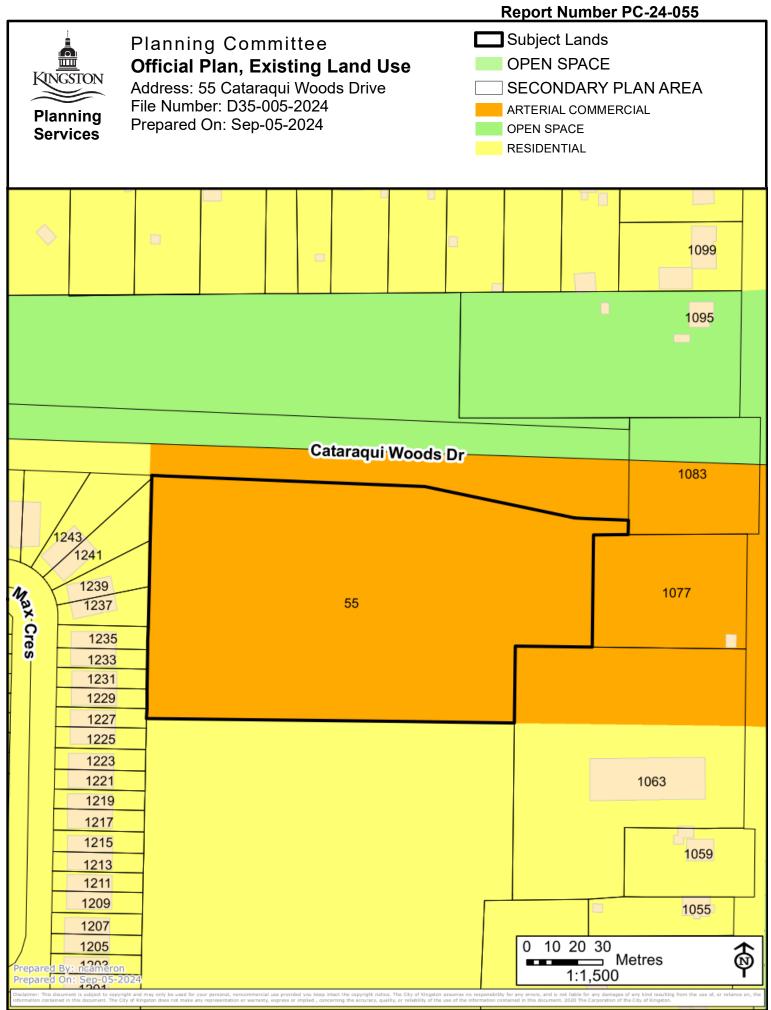
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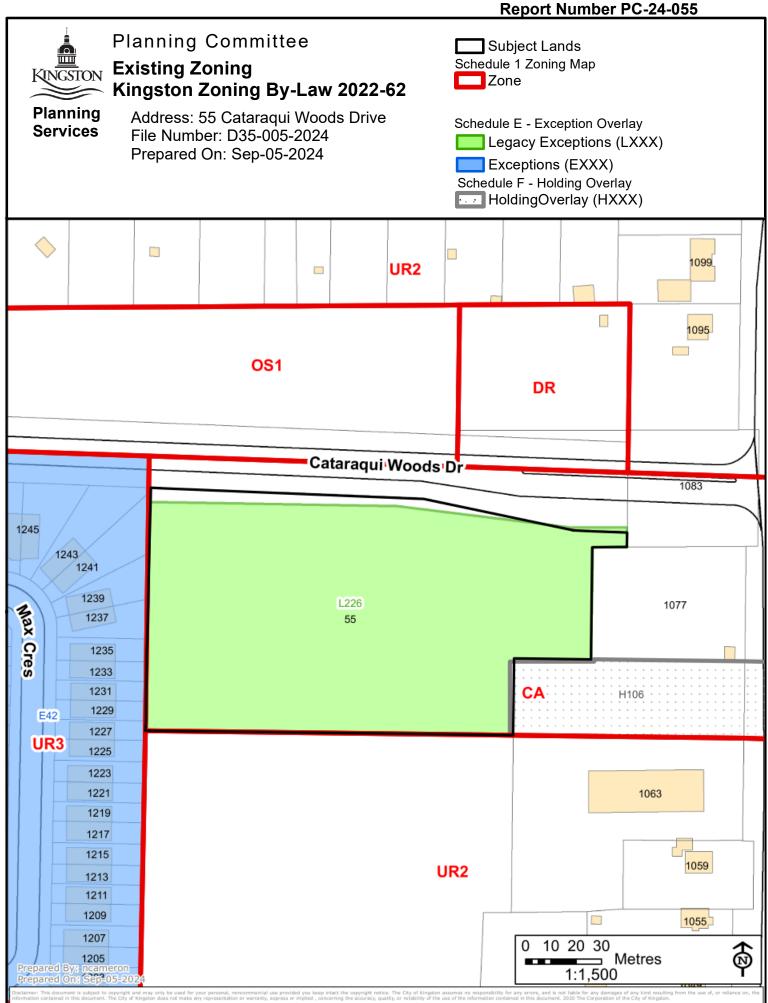
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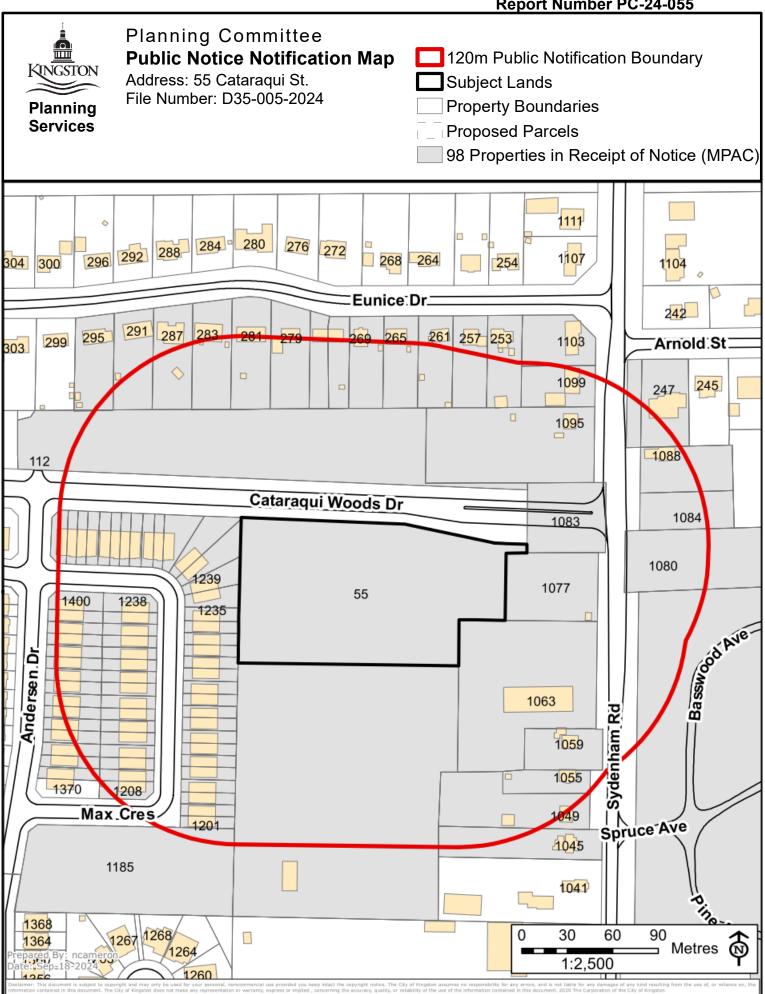
Subject Lands
Property Boundaries
Proposed Parcels



**Exhibit A** 









#### 55 CATARAQUI WOODS DR

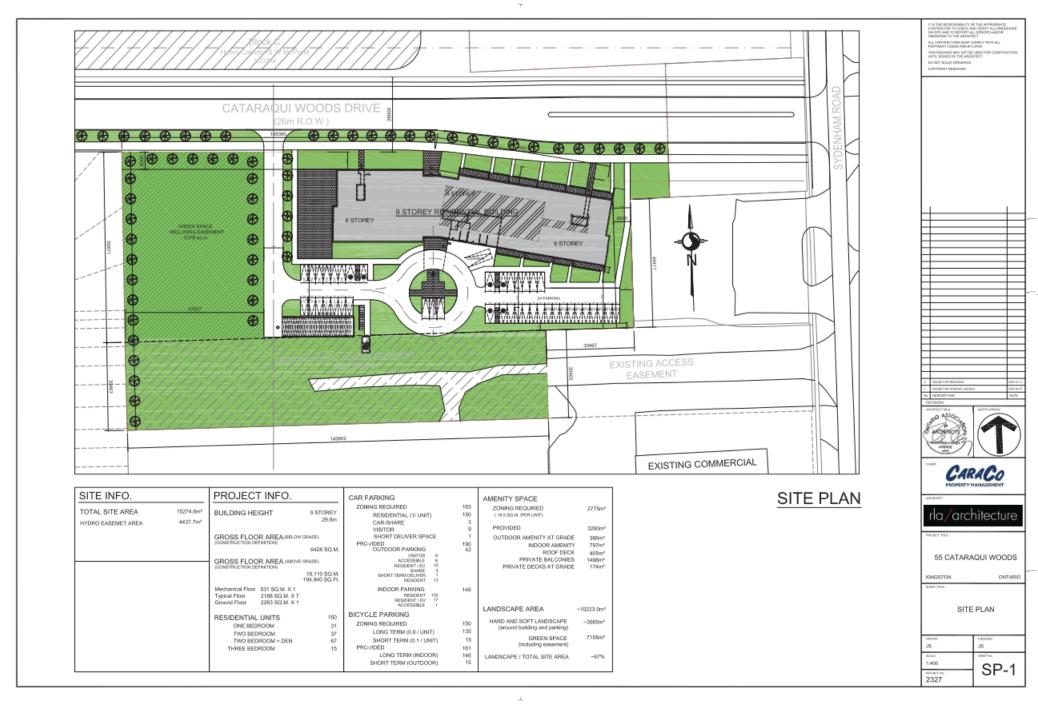
KINGSTON ONTARIO

RLA PROJECT #: 2327

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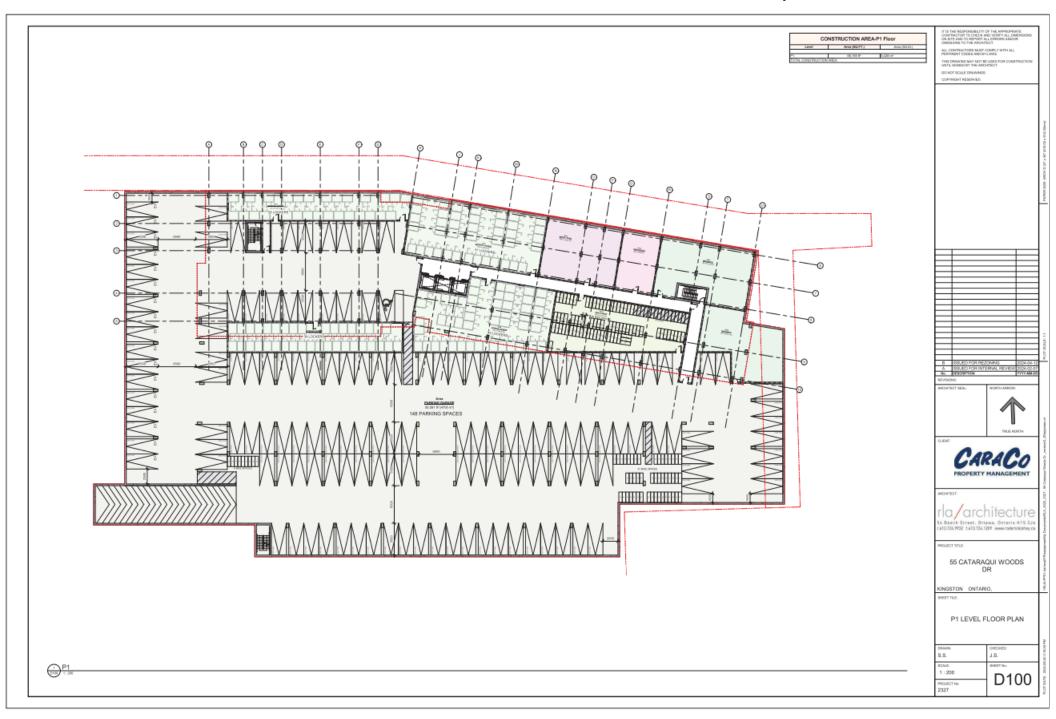


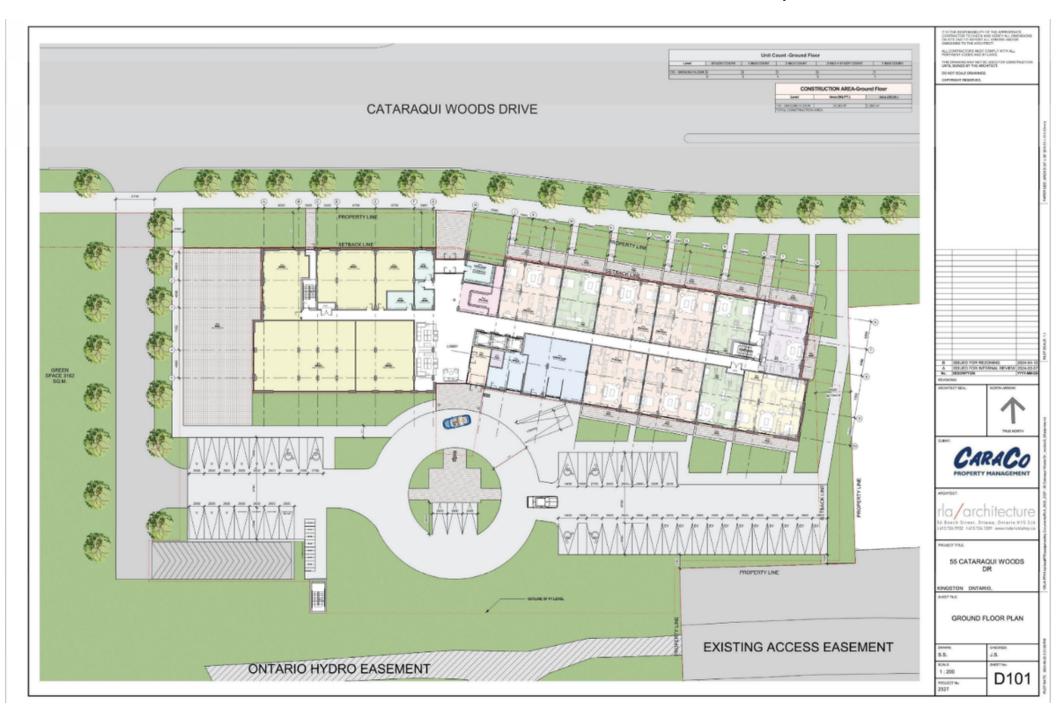




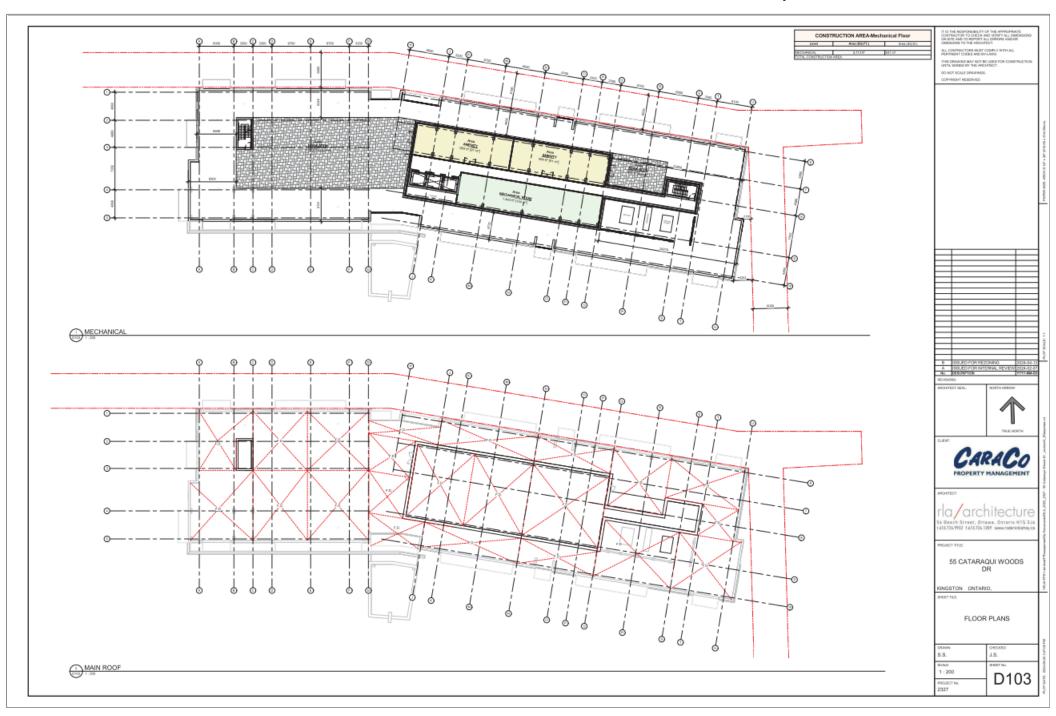
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DRAWN: S.S.		CHECKED: J.S.		
SCALE:		SHEET No:	04	











MARCH 21 (DST)



















JUNE 21 (DST)













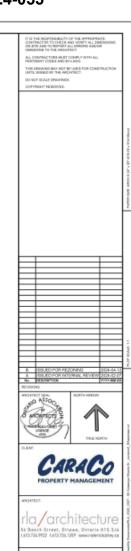












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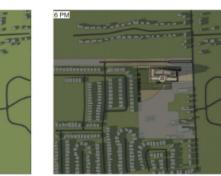






SEPTEMBER 21 (DST)













**DECEMBER 21** 













