

City of Kingston Report to Committee of Adjustment Report Number COA-24-058

To: Chair and Members of the Committee of Adjustment

From: Amy Didrikson, Senior Planner

Date of Meeting: July 15, 2024

Application for: Minor Variance

File Number: D13-047-2024

Address: 933 Innovation Drive

District: District 12 - Pittsburgh

Owner: Cancoil Corporation and the City of Kingston

Applicant: Cancoil Corporation and Fotenn Consultants Inc.

Council Strategic Plan Alignment:

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.1 Ensure an adequate supply of "ready-to-go" employment lands.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 933 Innovation Drive as well as approximately 3.6 acres (1.46 hectares) of City-owned land abutting the property to the east, which is subject to an agreement of purchase and sale with the City of Kingston. The applicant is proposing a 11,172 square metre building addition to support the existing light industrial use on the property. The proposal requires variances to the Kingston Zoning By-law to permit loading spaces in the front yard of an expanded building, as well as to eliminate a landscaped planting strip requirement that applies along the rear lot line of the subject property.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The requested minor variances are desirable for the appropriate development or use of the land, building or

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structure and are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

Recommendation:

That minor variance application, File Number D13-047-2024, for the property located at 933 Innovation Drive, as well as approximately 3.6 acres (1.46 hectares) of city-owned land abutting the property to the east, to permit loading spaces in the front yard and to eliminate a planting strip requirement along the rear lot line of the subject property to enable a proposed building addition to the light industrial facility on the subject property, be approved, as described below:

Variance Number 1: Location of Loading Spaces

By-Law Number 2022-62:Section 7.5.7

Requirement: Loading spaces must be located in the rear yard or in the interior yard

and must be provided with a visual screen in such a manner that the loading space is not visible from a street or any abutting residential use.

Proposed: Loading spaces in the front yard with visibility from the street

Variance Requested: Permit loading spaces in the front yard with visibility from the street

Variance Number 2: Planting Strip

By-Law Number 2022-62:Section 16.2.2.3

Requirement: A minimum 3.0 metre wide planting strip is required adjacent to a lot line

abutting a lot in any Zone other than an Employment Zone

Proposed: No planting strip proposed on the north lot line abutting the RU (General

Rural Area) zone

Variance Requested: Permit no planting strip on the north lot line abutting the RU (General

Rural Area) zone; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-058.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Amy Didrikson, Senior Planner

In Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services James Bar, Manager, Development Approvals

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Options/Discussion:

On May 27, 2024, a minor variance application was submitted by Cancoil Corporation and Fotenn Consultants Inc., on behalf of the owners, Cancoil Corporation and the City of Kingston, with respect to the property at 933 Innovation Drive, as well as approximately 3.6 acres (1.46 hectares) of city-owned land abutting the property to the east, which is subject to an agreement of purchase and sale with the City of Kingston. The variances are required to address locational criteria for loading spaces and planting strip requirements to support the proposed expansion of an existing light industrial use operating at 933 Innovation Drive. The purpose of the application is to enable a proposed expansion to the light industrial facility on the subject property, including a 11,127 square metre building expansion to the east side of the existing 18,792 square metre building on the property.

The proposed development of the property will result in a 29,962 square metre building with six new loading spaces proposed to the south of the expanded building. Six additional loading spaces may be required as part of long-term expansion plans of the proposed facility, for a total of twelve loading spaces facing Innovation Drive.

As part of the conceptual plans for the development, the surface parking area is proposed to be expanded by 46 spaces, including 4 accessible parking spaces. Bike space requirements of the Kingston Zoning By-law will be met by the proposal, including a total of 11 long-term bike parking spaces interior to the building, as well as required locker and shower facilities. Vehicular access will continue to be provided from Innovation Drive through the existing driveway access. The proposal will require a site plan modification application, which has not yet been submitted.

The variances are requested to permit loading spaces to be located within the front yard of the expanded building, with visibility from the street, and to eliminate a 3 metre wide planting strip requirement that applies along the north property line that abuts an RU (General Rural Area) zone. It is notable that the lands to the north are owned by the City of Kingston and are planned to be incorporated into the St. Lawrence Business Park as part of future, city-initiated applications for an Official Plan Amendment and Zoning By-law Amendment.

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

- Conceptual Site Plan (Exhibit F);
- Conceptual Building Elevations (Exhibit G); and,
- Planning Justification.

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.

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Site Characteristics

The subject property is located at 933 Innovation Drive (Exhibit B – Key Map). The subject property includes 3.6 acres (1.46 hectares) of city-owned land abutting the property to the east, which is subject to an agreement of purchase and sale with the City of Kingston. The total area of the subject property with the future lot addition is approximately 6.2 hectares with approximately 290 metres of frontage along Innovation Drive.

The subject property is located at the northern extent of the St. Lawrence Business Park and abuts business park industrial uses to the east, a City of Kingston public works yard, water towner and salt dome to the south and a hydro corridor and undeveloped lands to the west (Exhibit C – Neighbourhood Context Map). To the north of the property are 91 acres of cityowned, undeveloped lands in a rural zone, 60 acres of which are planned to be incorporated into the St. Lawrence Business Park through a future Official Plan Amendment and Zoning By-Law Amendment process.

The subject property is designated Business Park Industrial as part of the Rideau Community Secondary Plan in the City of Kingston Official Plan (Exhibit D – Official Plan Map) and zoned M1 (Business Park zone) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

The subject property is currently developed with a 18,792 square metre building, ranging in height from 9 to 13.8 metres, which contains a light industrial manufacturing facility for commercial refrigeration products and finned tube coils. There are 184 parking spaces on the subject property and 10 loading spaces on the east side of the existing building within the interior side yard. A fire access route is located around the periphery of the existing building. Vehicular access is provided from Innovation Drive. A row of coniferous trees, landscaping and an ornamental fence provide screening along the existing frontage of the property (Exhibit G – Site Photos). The city-owned lands to the east to be added to the property currently contain Hydro One infrastructure in an easement which will need to be relocated to accommodate the proposed building expansion.

Provincial Policy Statement

In addition to the four tests of a minor variance detailed below, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

Minor Variance Application

The review of an application for minor variance(s) is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) requested, both separately and

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together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

The general intent and purpose of the Official Plan are maintained

The subject property is located within the Urban Boundary and is designated Business Park Industrial as part of the Rideau Community Secondary Plan in the City of Kingston Official Plan (Exhibit D – Official Plan Map). Permitted uses in the Business Park Industrial area of the Rideau Community Secondary Plan include research and development activities, offices, medical laboratories and equipment production facilities, light industries, warehousing and commercial uses that serve the business park industrial area or are accessory to a permitted business park industrial use. The proposed expansion of the existing light industrial use conforms with the uses contemplated for the Business Park Industrial land use designation of the Rideau Community Secondary Plan.

In considering whether this proposed variance is desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan.

The proposal meets the intent of strategic policy direction pertaining to the City of Kingston's Business Districts and Employment Areas, which is to promote economic development and competitiveness by accommodating and fostering employment opportunities in the Urban Boundary through compatible development.

The requested variances will not compromise the compatibility of the proposed development with surrounding land uses, which include a medical campus to the east, and Business Park Industrial uses permitted to the west where the expansion will take place, public works uses to the south, and undeveloped city-owned lands to the north. It is notable that the city-owned lands to the north are expected to accommodate an expansion to the St. Lawrence Business Park through a future Official Plan Amendment and Zoning By-Law Amendment process (See Report Number 24-070).

There are limited sensitive uses in proximity or planned in proximity, with the exception of a single detached dwelling approximately 200 metres from the proposed expansion. Lands to the north are currently in a Rural zone which also permits a single-detached dwelling. As part of the required Site Plan Control application, a Noise Impact Study will be required to demonstrate that any stationary or transportation noise generated by the proposed development can be mitigated to meet Provincial requirements.

Development criteria for Employment Areas and Business Parks in the Official Plan are detailed under sections 3.6.15 and 3.6.A.6. Applicable criteria emphasize the importance of a functional site layout with attention to architectural detailing and landscaping to enhance the overall aesthetics of the site. Conceptual elevations have been provided to demonstrate that the expansion will have a consistent appearance to the existing facility (Exhibit G). The conceptual site plan for the proposed building expansion includes an appropriate site arrangement, incorporating accessible parking with direct access to building entrances, and includes opportunities for additional landscaped screening along the frontage (Exhibit F).

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Design criteria applicable to the Business Park Industrial designation of the Rideau Community Secondary Plan directs parking and loading areas to be located in unobtrusive locations. Due to the existing site configuration and the building envelope required to accommodate the expanded light industrial use, there is not an opportunity to locate additional loading spaces in the rear yard or side yard of the proposed building. The proposed location of the loading spaces on the south side of the proposed expanded building, facing Innovation Drive, meets the general intent and purpose of the applicable criteria, as the location is setback approximately 125 metres from the road frontage and can be partially screened from view by landscaping, consistent with the existing tree plantings present along the frontage of the property (Exhibit G – Site Photos). Tree plantings along the road frontage will be pursued as part of the required site plan control application.

With respect to servicing, the proposed development is within the Urban Boundary on full municipal services. The proposal will require a site plan modification application and supporting Servicing Report and Stormwater Management report to demonstrate the technical feasibility of supporting the proposed building expansion.

Having regard to the above, the impact of the variances is expected to the minor and would not create an undesirable precedent for the area with the application most appropriately addressed through a Minor Variance rather than a Zoning By-Law Amendment. Recommended conditions have been provided for the Committee's consideration and are included as Exhibit A to this report.

The proposal meets the intent of the Official Plan, as the proposed expansion of the light industrial use is consistent with development envisioned in the Business Park Industrial land use designation of the Rideau Community Secondary Plan, and variances to permit the proposed site design will maintain a functional site layout and will not result in any negative impacts to adjacent properties or to the neighbourhood.

The general intent and purpose of the Zoning By-Law are maintained

The subject property is zoned M1 (Business Park zone) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The M1 zone permits a light industrial use operating within an enclosed building consistent with the proposed, expanded building on the subject property.

The proposal requires variance to permit loading spaces in the front yard, as well as to eliminate a landscaped planting strip required along the rear lot line of the subject property.

Variance Number 1: Location of Loading Spaces

By-Law Number 2022-62:Section 7.5.7

Requirement: Loading spaces must be located in the rear yard or in the interior yard

and must be provided with a visual screen in such a manner that the loading space is not visible from a street or any abutting residential use.

Proposed: Loading spaces in the front yard with visibility from the street

Variance Requested: Permit loading spaces in the front yard with visibility from the street

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The intent of the Kingston Zoning By-Law requirement to locate loading spaces in interior yards or rear yards with visual screening is to locate service areas in inconspicuous locations, and to ensure these areas are not a focal point on any site requiring a loading space. This requirement also can assist in locating loading spaces away from pedestrian and vehicular parking areas to avoid site circulation conflicts.

To enable the ability to review visual screening requirements for loading areas on a site-specific basis, through site plan control applications, amendments proposed to the City of Kingston Zoning By-Law through file number D35-002-2024 will eliminate section 7.5.7 and as a result, will permit loading spaces in any yard. This proposed amendment would eliminate the need for this variance, but as the appeal period for these proposed amendments expires after the Committee's consideration date of this application, the applicant is pursuing a variance in the event the amendments are not brought into effect.

The requested variance meets the intent of the current requirement in the Kingston Zoning By-Law, as the proposed loading space location in the front yard will be sufficiently setback from the frontage (i.e. approximately 125 metres) that it will not be a focal point of the proposed development. The extensive front yard area available in front of the proposed building allows for functional site circulation, with parking areas and loading areas in separate and distinct locations. Opportunities to delineate pedestrian crossings and walkways will be pursued through the required site plan control process.

Variance Number 2: Planting Strip

By-Law Number 2022-62: Section 16.2.2.3

Requirement: A minimum 3.0 metre wide planting strip is required adjacent to a lot line

abutting a lot in any Zone other than an Employment Zone

Proposed: No planting strip proposed on the north lot line abutting the RU (General

Rural Area) zone

Variance Requested: Permit no planting strip on the north lot line abutting the RU (General

Rural Area) zone; and

The intent of the above planting strip requirement of the Kingston Zoning By-law is to provide visual screening where employment uses are proposed adjacent to other zones, such as rural zones, to assist with land use compatibility. A planting strip must be a minimum of 3.0 metres wide and must contain a row of trees or a continuous hedgerow of evergreens or shrubs located in the planting strip with a minimum height of 1.5 metres.

While the lands to the north are within the General Rural Area zone of the Kingston Zoning By-Law, they are city-owned and intended to be incorporated into the St. Lawrence Business Park as part of a future application for Official Plan Amendment and Zoning By-Law amendment, as endorsed by Kingston City Council at their January 23, 2024 meeting (See Report Number 24-070). As a result, it is reasonable to exempt the proposed development from the planting strip requirement triggered by existing zoning, as it is not expected to be required for visual buffering in the fullness of time.

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It is notable that there is a 15.0 metre wide hydro easement at the rear of the property which does not allow for plantings which could interfere with maintenance or could interfere with the operations of the overhead hydro lines. As well, the proposed site plan incorporates a grassed area of approximately 6 metres wide along the rear lot line, consistent with the existing development, and a 15.6 metre setback between the proposed building and the rear lot line as required in the M1 zone. There are no concerns with the compatibility of the proposed building with surrounding land uses, and the exemption from the planting strip requirement can meet the intent of the Kingston Zoning By-law in this instance.

In summary, the requested variances maintain the general intent and purpose of the zoning bylaw.

The variances are minor in nature

The variances are considered minor as they will not impact the compatibility or functioning of the proposed, expanded light industrial use. Loading spaces as indicated on the site plan (Exhibit F) are sufficiently buffered from the street to remain inconspicuous. A rear yard planting strip is not necessary in this instance given the long-term plans for the northern, city-owned lands. Detailed designs to further enhance compatibility and functionality of the development will be pursued through the required site plan modification process through elements such as tree plantings along the frontage and ornamental fencing, and delineated pedestrian walkways.

The variances are desirable for the appropriate development or use of the land, building or structure

The relief sought is appropriate given the overall intent of the Business Park Industrial land use designation of the Rideau Community Secondary Plan as it enables the expansion of an existing employment use without the potential for adverse impacts on existing and planned development in the area. The conceptual site plan put forward by the applicant will maintain the visual compatibility of the growing light industrial use on the property. The variances will enable development that is desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

\boxtimes	Building Services			
\boxtimes	Forestry	□ Utilities Kingston	□ Real Estate	
	Fire & Rescue	☐ Kingston Hydro	⊠ Environment Division	n
	Solid Waste	□ Parks Development	☐ Canadian National F	Railways
	Housing		☐ Ministry of Transpor	tation
	KEDCO		☐ Parks of the St. Law	rence

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\boxtimes	Building Services		
\boxtimes	CRCA	☐ KFL&A Health Unit	☐ Trans Northern Pipelines
	Parks Canada	☐ Eastern Ontario Power	□ CFB Kingston
\boxtimes	Hydro One	☐ Enbridge Pipelines	☐ TransCanada Pipelines
	Kingston Airport		

Technical Comments

This application was circulated to external agencies and internal departments for their review and comment and there were no comments or concerns raised that would preclude this application from moving forward. Any technical comments that are received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Public Comments

At the time this report was finalized, no public comments had been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

The subject property has an approved site plan and site plan control agreement (City File Number D11-083-2006). Minor variances have previously been approved for the existing development on the site through City File Number D10-112-2005. A future site plan modification application will be required to permit the proposed building expansion.

Conclusion

The requested variances maintain the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance(s) are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will permit the proposed expanded light industrial use on the subject property to have loading spaces in the front yard of the building and will permit an exemption from rear lot line planting strip requirements, and will ultimately accommodate a compatible expansion of an employment use in the St. Lawrence Business Park.

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Existing Policy/By-Law:

The proposed 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:

Provincial

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on July 15, 2024 Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to property owners of a total of 10 properties (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit H – Public Notification Map).

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

James Bar, Manager, Development Approvals, 613-546-4291 extension 1256

Amy Didrikson, Senior Planner, 613-546-4291 extension 3296

Other City of Kingston Staff Consulted:

Saru Bajwa, Land Development Manager, Business, Real Estate and Development

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Exhibits Attached:

Exhibit A Recommended Conditions

Exhibit B Key Map

Exhibit C Neighbourhood Context Map (2022)

Exhibit D Official Plan Map

Exhibit E Zoning By-Law Map

Exhibit F Conceptual Site Plan

Exhibit G Conceptual Elevations

Exhibit H Site Photos

Exhibit I Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-047-2024, to permit loading spaces in the front yard of an expanded building, as well as to eliminate a landscaped planting strip requirement that applies along the rear lot line of the subject property, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the proposed light industrial development as shown on the conceptual site plan drawing attached to the notice of decision.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

4. Standard Archaeological Condition

In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

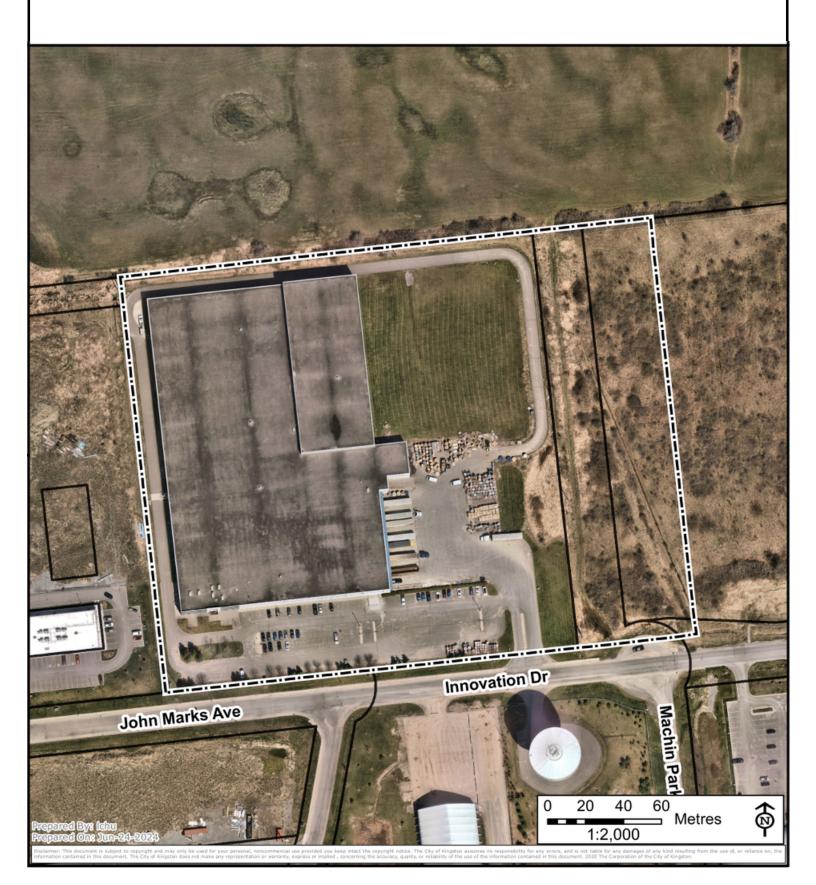
Exhibit B Report Number COA-24-058 Committee of Adjustment **Key Map** KINGSTON Address: 933 Innovation Drive innovation Dr File Number: D13-047-2024 **Planning** Prepared On: Jun-24-2024 Services Lands Subject to Minor Variance 933 840 836 Innovation Dr John Marks Ave Machin Parl 1001 830 40 20 60 _ Metres Prepared By: Ichu 1:2,000 Prepared On: Jun-24-2024



Committee of Adjustment **Neighbourhood Context**

Address: 933 Innovation Drive File Number: D13-047-2024 Prepared On: Jun-24-2024

Subject Lands
Property Boundaries
Proposed Parcels





Committee of Adjustment Official Plan, Existing Land Use

Address: 933 Innovation Drive File Number: D13-047-2024 Prepared On: Jun-27-2024







Planning Committee

KINGSTON Existing Zoning **Kingston Zoning By-Law 2022-62**

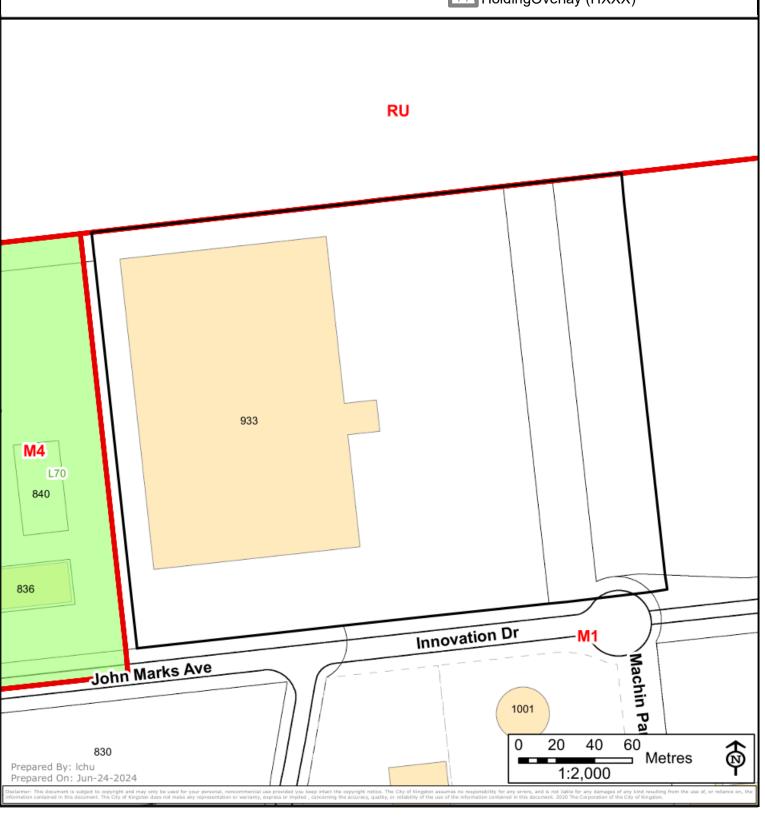
Planning Services

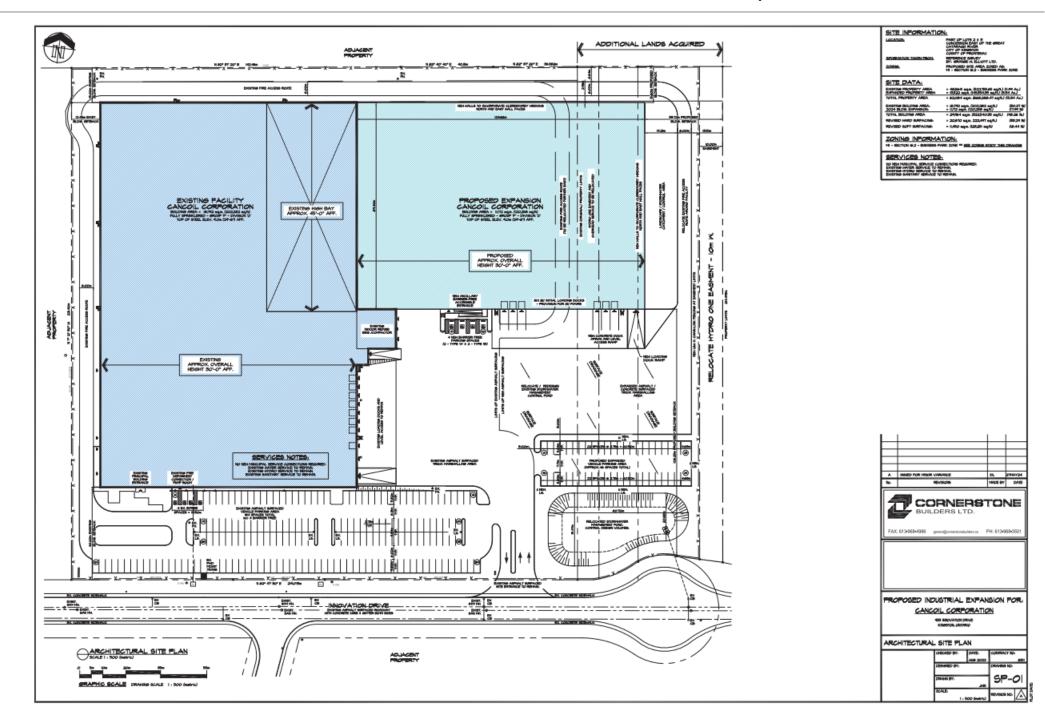
Address: 933 Innovation Drive File Number: D13-047-2024 Prepared On: Jun-24-2024

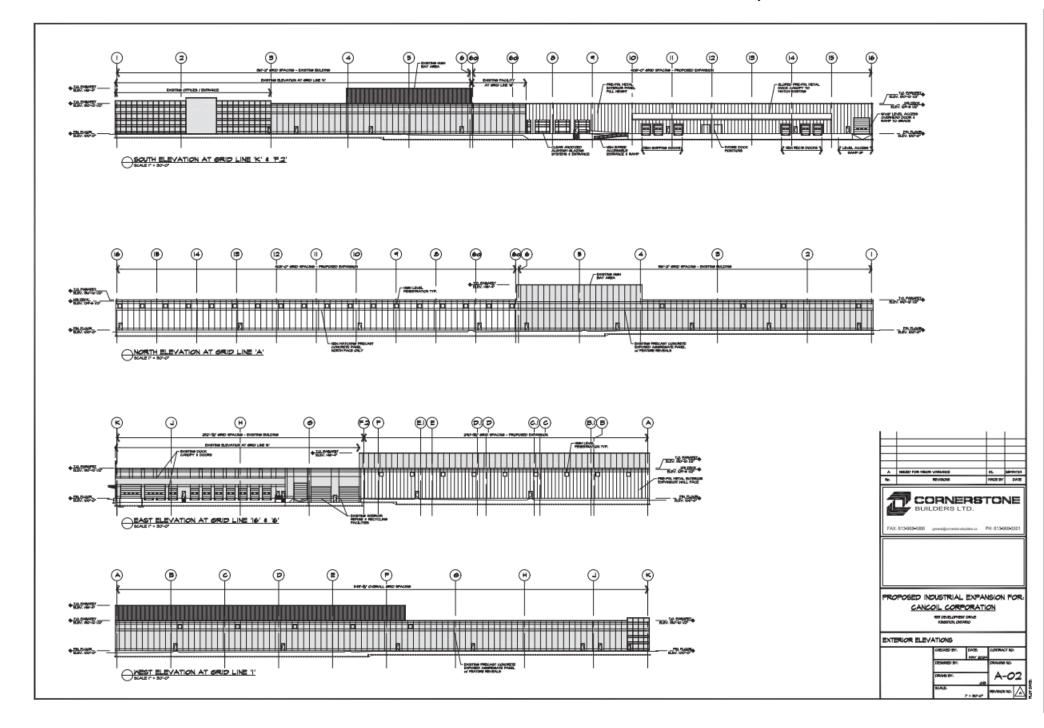
Subject Lands Schedule 1 Zoning Map Zone

Schedule E - Exception Overlay Legacy Exceptions (LXXX)

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







Site Photographs



Figure 1: View of 933 Innovation Drive from the street frontage.



Figure 2: View of eastern extent of existing building from the street frontage.



Figure 3: View of east adjacent City owned lands and hydro corridor.



Figure 4: View of Existing site entrance and undeveloped lands to the east.



Figure 5: View east from subject property frontage down Innovation Drive.



Figure 6: View of east side yard from Innovation Drive.



Committee of Adjustment **Public Notice Notification Map**

Address: 933 Innovation Drive File Number: D13-047-2024

Prepared On: Jun-24-2024

60m Public Notification Boundary

Subject Lands

Property Boundaries

Proposed Parcels

10 Properties in Receipt of Notice (MPAC)

