



**City of Kingston
Report to Planning Committee
Report Number PC-24-044**

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: July 18, 2024
Subject: Recommendation Report
File Number: D14-008-2024
Address: 40 Hyperion Court
District: District 7 – Kingscourt-Rideau
Application Type: Zoning By-Law Amendment
Owner: 1382739 Ontario Limited
Applicant: The Boulevard Group

Council Strategic Plan Alignment:

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.3 Diversify Kingston's economic base.

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by The Boulevard Group, on behalf of 1382739 Ontario Limited, with respect to the subject site located at 40 Hyperion Court.

The property is located in the Alcan Business Park, being located at the southeast corner of Hyperion Court and Lappan's Lane. An overall site plan has been approved (D11-146-2002) and all construction on the site has been completed, including an existing 3,718 square metre (gross floor area) one-storey building currently divided into two units, 200 parking spaces, and 4 accessible parking spaces. The subject site is designated as Business Park Industrial as per

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Schedule 3A – Land Use in the City of Kingston Official Plan and is zoned a Business Park Zone (M1) in the Kingston Zoning By-Law Number 2022-62.

The purpose and effect of the proposed Zoning By-Law amendment is to broaden the permitted complementary uses to assist with attracting future tenants and provide additional service opportunities in and around the existing Business Park area. Complementary uses that would be permitted through the proposed zoning by-law amendment, up to 49% of the gross floor area on the subject property, include: animal care; animal shelter; day care centre; financial institution; fitness centre; laundry store; personal service shop; recreational facility; and wellness clinic. Further, the owner is proposing to amend certain performance standards to permit a accessory retail uses to occupy 25% of the buildings gross floor area, alter the bike parking requirements, and amend the open storage provisions of the Business Park (M1) Zone.

The recommended amendment includes the establishment of a Holding Overlay (H239) to ensure that the noise sensitive uses (i.e., day care centre) are assessed through a Noise Impact Study and found to be compatible with surrounding land uses, as well as the submission of a Record of Site Condition, prior to being permitted to be established on the subject lands.

No new exterior development is proposed at this time. It is anticipated that the proposed amendment would allow internal conversions of the existing building to permit a greater range of tenants than would be permitted in the existing M1 Zone on the subject lands. Existing tenants of the site include St. Lawrence Pools, which includes a laboratory, warehouse and retail store as part of the overall business operation on the premises.

The recommended zoning by-law amendment will increase permissions for a diversified mix of complementary uses on the developed subject property, which will ultimately support, and foster employment uses on the property and in the surrounding area, with connections to active transportation between employment and supportive uses. The site is well suited for the addition of complementary uses with its dual frontage along Hyperion Court and Lappan's Lane and the uses will not have a negative impact on nearby employment uses in the area. The proposed development is consistent with the Provincial Policy Statement and conforms to the Official Plan, represents appropriate scale of infill development within the City's urban boundary. The application is recommended for approval.

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-008-2024) submitted by The Boulevard Group, on behalf of 1382739 Ontario Limited, for the property municipally known as 40 Hyperion Court, 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-24-044; and

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

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

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

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

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

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

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Options/Discussion:

Statutory Public Meeting

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

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

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

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

Niki Van Vugt, Intermediate Planner
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3253
nvanvugt@cityofkingston.ca

Background and Decision Date

In accordance with By-Law Number 2007-43, this application was subject to a pre-application. A Community Meeting was held at Planning Committee on March 21, 2024 during the pre-application process. A summary of the feedback received at the Community Meeting is provided in the Public Comments section of this Report.

Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of June 7, 2024.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before September 5, 2024, which is 90 days after a complete application was received.

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Site Characteristics

The subject property is municipally addressed as 40 Hyperion Court and is approximately 1.82 hectares (4.50 acres) in area with approximately 120 metres of frontage on Hyperion Court and 146 metres of frontage on Lappan's Lane, which are designated as local roads (Exhibit B – Key Map) with single vehicular access from each road. The property is located in the southeast corner of the Lappan's Lane and Hyperion Court intersection, which is located approximately 130 metres south of John Counter Boulevard, identified as an arterial road. The property is west of Division Street, south of John Counter Boulevard, east of Sir John A. Macdonald, and is currently developed with a one storey building divided into two units. The lands are central to the Alcan Business Park that borders John Counter Boulevard to the north and LeRoy Grant Drive to the east. Immediately west and south of the business park is the Novelis Industrial Area that maintains significant vacant areas in support of their industrial operations.

The existing one storey building on-site is approximately 3,718 square metres in gross floor area and is currently divided between two (2) separate units (Exhibit K – Existing Floor Plans), with the unit fronting Lappan's Lane occupied by St. Lawrence Pools, a business which includes a laboratory, warehouse and retail store. The easternmost unit within the building is currently vacant and formerly functioned as a call centre. A total of 200 on-site surface parking spaces are existing, including four accessible spaces with four Type A spaces. Vehicular driveways exist from Hyperion Court and Lappan's Lane with landscaping to buffer the existing front and exterior yard parking areas. Loading spaces exist at the rear of the existing one storey building (Exhibit H – Existing Site Plan).

The property is in an area referred to as the Alcan Business Park, which generally consists of other light-industrial, and employment uses. The subject lands are surrounded primarily by a variety of employment uses, including business park, complementary and vacant land holdings (Exhibit C – Neighbourhood Context (2023)). Developed parcels about the site to the west at 26 Lappan's Lane includes Dalto Electric, and north at 31 Hyperion Court includes a variety of employment and complementary uses (Cambium Inc., Malty Centre, and ACT Learning Centre), and 61 Hyperion Court includes the Veterans Affairs Canada Area Office and Arcadis IBI Group (Exhibit I – Site Photographs).

The surrounding area contains a mix of built form, predominantly featuring one-storey and two storey buildings. The existing streetscape along Hyperion Court and Lappan's Lane features generally large front and exterior setbacks with front yard and exterior yard parking, with landscaped buffers surrounding many of the individual buildings. The subject property is well serviced with municipal infrastructure, including water, wastewater, gas and electric services.

In addition, the property is serviced by sidewalks north of the Lappan's Lane and Hyperion Court intersection towards John Counter Boulevard and east of the property which connects to the Leroy Grant Trail. The property is within walking distance of a bus stop located at Lappan's Lane (south side of John Counter Boulevard) for transit route 7C, Bus Terminal Transfer Point (Platform 4) with connections to transit routes 2, 2B, 7, 7A, 7B, 7C, 12A, 16, 18, and Bus Terminal Transfer Point (Platform 3) which includes connections to transit routes such as 2, 2B, 7, 7B, 12A, 16. In addition,

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at 1175 John Counter Boulevard is the Coach Canada Bus / Megabus Terminal, which provides service to urban centres beyond the City of Kingston (i.e., Toronto, Ottawa, etc.).

Proposed Application and Submission

The purpose and effect of the proposed Zoning By-Law amendment is to broaden the permitted complementary uses to assist with attracting future tenants and provide additional service opportunities in and around the existing Business Park area. Complementary uses that would be permitted through the proposed zoning by-law amendment, up to 49% of the gross floor area on the subject property, include: animal care; animal shelter; day care centre; financial institution; fitness centre; laundry store; personal service shop; recreational facility; and wellness clinic. Currently accessory retail store uses are permitted to occupy 25% of the gross floor area of a use. This zoning amendment seeks to allow the accessory retail use to be calculated at 25% of the building, meaning accessory retail uses could have higher allocations to some units and lower allocations to other units. This would afford flexibility where some uses would not have any accessory retail requirements and others may benefit from some additional allocation.

Further, the owner is proposing to alter the bike parking requirements and amend the open storage provisions of the Business Park (M1) Zone. The proposed Holding Overlay (H239) will ensure that the sensitive uses of a day care centre cannot be established until a Noise Impact Study is completed - to ensure compatible development can be achieved and there is no adverse effect on the sensitive use or to the proposed employment use(s) – and a Record of Site Condition is received.

Currently, the owner is seeking permission to utilize a portion of the surface asphalt parking area for outdoor storage to support the laboratory, warehouse and retail use (St. Lawrence Pools) that occupies the western portion of the building (Exhibit L – Site Plan with Potential Outdoor Storage). In addition to the existing use in the western portion of the building, future open storage located to the rear of the building may support future uses that will occupy the eastern portion of the building. As it relates to the proposed open storage on-site, all existing vegetation is to be maintained and function to screen outdoor storage as opposed to surface vehicular parking areas which has been the case since construction through the existing Site Plan Control (File Number D11-146-2002).

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

- Approved Site Plan – prepared by Petroff Partnership Architects, 2002;
- Site Plan with Potential Outdoor Storage;
- Planning Justification Report – prepared by The Boulevard Group, dated June 2024;
- Draft By-Law – prepared by The Boulevard Group;
- Servicing Report – prepared by Josselyn Engineering, dated January 2, 2023;
- Existing Floor Plans – prepared by Alexander Wilson Architect Inc, dated January 2024; and
- Agent Form.

All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple

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addresses, search one address at a time, or submission materials may also be found by searching the file number.

Provincial Policy Statement

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

The subject lands are located within a Settlement Area as defined by the Provincial Policy Statement (2020) and developed with a mix of employment and complementary uses. Settlement Areas are to be the focus of growth, developed with a mix and range of land uses. The proposed would permit the increase and expansion of permitted complementary uses and support the continued diversification of the economic base of Kingston in an area that is appropriately serviced by municipal infrastructure, active and public transportation routes.

The recommended zoning by-law amendment will enable the owner's ability to increase flexibility through additional uses in the existing building, without any demolition contemplated. The preservation, and potential renovation, of the existing building allows for less demolition waste and decreases the overall amount of embodied carbon associated with the subject lands.

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

Official Plan Considerations

The subject lands are located within the City's urban boundary and the Business District as shown on Schedule 2 – City Structure of the Official Plan. Business Districts are primarily intended to accommodate employment opportunities. The zoning by-law amendment permits limited retail and service commercial uses that serve business activities, consistent with the strategic intent of Business Districts.

The subject lands are designated Business Park Industrial in the Official Plan (Exhibit E – Official Plan, Existing Land Use), which is intended to provide prominent locations for industrial and industrial support uses in architecturally treated and finished buildings with a high-quality landscaped setting that promotes a prestige corporate and community image.

The subject zoning by-law application is submitted in accordance with Section 3.6.12. of the Official Plan to establish additional complementary use permissions to 49% of the total gross floor area on the site, beyond the 25% currently permitted on the subject property. The complementary uses selected are identified as permitted complementary use in the Business Park Industrial designation and will not hinder or interfere with the industrial uses in the surrounding area. The complementary use considered by the recommended zoning by-law amendment do exceed that which is contemplated by a minor variance, being limited to 25% of the total gross floor area, which is the primary reason why the zoning by-law amendment application is being sought. The complementary uses are able to act provide a support or service to the employees within the employment area and is not able to be provided from an

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adjacent land use designation in the employment area, as the adjacent parcels also remains designated as Business Park Industrial.

The implementation of any future uses identified in the Exception Overlay (E170) will be placed in the existing one storey building which is oriented towards the road frontage of the subject lands.

The contemplated uses will result in similar rates of employment to the primary permitted uses in the land use designation and are intended to improve the quality of life, access to a diversity of services and reduce dependence on private automobiles for employees (present and future) within the employment area. The introduction of the proposed complementary uses will not contribute to the fragmentation of continuous employment areas as this business park has built out primarily with office uses and the complementary uses. There are no light or heavy industrial uses that would be negatively impacted by the current or future suite of uses on this property, or nearby properties which have undergone similar amendments.

Staff are of the opinion that the proposal conforms with the policies of the Official Plan. A detailed review of the applicable policies is attached in Exhibit F.

Zoning By-Law Discussion

The subject property is located in the Business Park Zone (M1) in Kingston Zoning By-Law Number 2022-62 (Exhibit G – Kingston Zoning By-Law 2022-62). The M1 Zone permits a range of employment uses such as a call centre, catering service, contractor's yard, laboratory, light industrial use, office, accessory outdoor storage), production studio, repair shop, research establishment, accessory retail store, training facility, transportation depot, wholesale establishment, and workshop. The subject site is located within Parking Area 5 (PA5) on Schedule 2 of the Kingston Zoning By-Law. The By-Law does not include minimum parking rates for commercial and industrial uses, however, does include 'effective ratios' for calculating accessible parking requirements based on the corresponding use in Table 7.2.2. Any additional on-site development, or change of use, will need to continue to comply with the accessibility requirements of the by-law.

The purpose and effect of the proposed Zoning By-Law amendment is to broaden the permitted complementary uses to assist with attracting future tenants and provide additional service opportunities in and around the existing Business Park area. Complementary uses that would be permitted through the proposed zoning by-law amendment, up to 49% of the gross floor area on the subject property, include: animal care; animal shelter; day care centre; financial institution; fitness centre; laundry store; personal service shop; recreational facility; and wellness clinic. Further, the owner is proposing to amend certain performance standards to permit a retail store to occupy 25% of the buildings gross floor area to allow flexibility in its implementation, alter the bike parking requirements, and amend the open storage provisions of the Business Park (M1) Zone. All other permitted uses in the M1 Zone would continue to be permitted on the subject site and all other applicable provisions of the by-law would need to be met as it relates to any future redevelopment.

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The M1 Zone was established through the development of the new Kingston Zoning By-Law with the intent of aligning properties within the Business Park Industrial area with the Business Park Industrial policies of the Official Plan. In review of the existing uses and built form in the surrounding area, the proposed inclusion of additional uses to complement the business park uses (“complementary uses”) and relief to these performance standards are anticipated to be compatible with the surrounding area.

The proposed Zoning By-Law amendment would establish a new Exception Overlay (E170) and Holding Overlay (H239) which would be related to the implementation of a future Day Care Use. Each of the modifications to the existing zoning of the subject property, is discussed below in relation to the intent of the Kingston Zoning By-Law provisions. The following table provides a definition for each proposed complementary use and its relation to the Official Plan and the Kingston Zoning By-Law 2022-62.

1. New Complementary Use Permissions:

The complementary uses are not currently permitted in the applicable Business Park M1 Zone and are being introduced into the recommended Exception Overlay (E170). These complementary uses include animal care, animal shelter, day care centre, financial institution, fitness centre, laundry store, personal service shop, recreation facility, wellness clinic, and are permitted to occupy a maximum of 49% of the total gross floor area on the subject property.

Permission for the above noted complementary uses in up to 49% of the total gross floor area of the building is consistent with the intent of the Zoning By-Law, as they will allow for complementary uses contemplated by Section 3.6.A.2. and Section 3.6.12. of the Official Plan to be established that will improve the quality of life and reduce dependence on the private automobile for employees within the employment area by providing support and services in close proximity to employment uses.

To facilitate the future implementation of a Day Care Use, the removal of the Holding Overlay (H239) – to be established through the recommended zoning by-law amendment – will be required to ensure that all studies are completed in advance of its introduction to the site. As a Day Care Use is considered a sensitive use, a Noise Impact Study will be required to ensure the required mitigation measures can be implemented taking into consideration existing and planned industrial uses in the vicinity as well as the submission of a Record of Site Condition.

Subject to the proposed changes through this Zoning By-Law amendment application, the collective principle and complementary uses on the subject property could achieve greater employment of permitted uses within the unoccupied portion of the existing one storey building, while supporting the existing services in close proximity to the subject lands.

2. Amendments to the Maximum Retail Store Requirements of the M1 Zone:

The current zoning restricts retail stores to a maximum gross floor area of 25% of the gross floor area of the principal use on the lot, whereas the recommended zoning by-law amendment is looking to alter the language through Exception Overlay (E170) to continue to align with the

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general intent of the Official Plan. The recommended zoning by-law is looking to amend the M1 Zone by permitting a retail store (accessory to a principal use) to occupy up to a maximum of 25% of the gross floor area of the building.

As detailed above, the existing M1 Zone permits a retail store. However, it is permitted only as an accessory use to a principal use on the lot and is limited to a maximum gross floor area of 25% of the gross floor area of the principal use. The intent of this provision is to allow permitted uses in the M1 Zone to include supporting retail, without permitting standalone retail stores which would result in a conflict with the policies of the Official Plan. The proposed Zoning By-Law amendment continues to align with Section 3.6.11. of the Official Plan which permits accessory retail to occupy a maximum of 25% of the gross floor area of the building.

The recommended zoning by-law amendment recognizes the existing needs of the present tenant of the site (St. Lawrence Pools), which includes a laboratory, warehouse and retail store, while allowing for flexibility of future tenants to benefit from the retail store opportunities on the site. Due to the retail nature of St. Lawrence Pools business, which involves large products such as hot tubs and furniture, an amendment is sought which would permit this component to function over a greater floor area in the unit. From an employment perspective, the laboratory and warehouse functions of the business are more staff intensive. However, occupy a smaller footprint of the floor area. This unique nature of the business is different than other industrial/employment uses, whereby products are stored in the rear of unit, with only a small retail counter at the front, such as a printing establishment or small-scale manufacturer. The proposed change to the M1 Zone continues to align with the general intent of the Official Plan and allow for retail to function as accessory to a principal employment use on the property.

3. Exemption for Long-Term Bike Space and End-of-Trip Facility Requirements:

The existing single-storey building on the subject property was developed under the former Zoning By-Law (8499) which did not require long-term bike spaces or end-of-trip facilities. The Exception Overlay (E170) contains an exemption to recognize compliance of the existing building on the property, while requiring long-term bike spaces and end-of-trip facilities for any new additions to the subject property.

In light of the existing construction, and potential future difficulty to coordinate between different tenants, the recommended zoning by-law is looking to alter the requirement for end-of-trip bike facilities to be calculated based on the floor area of each individual unit as opposed to the Gross Floor Area of the building versus the full exemption from this requirement. In addition, modifications to Section 7.3.16. of the Kingston Zoning By-Law incorporates the fact that the updated standards found in the Kingston Zoning By-Law for Bike Park are not retroactively applicable for existing development constructed under the former by-law. The applicant proposes to specify that through bike parking requirements will need to be met through any addition to the existing building versus change of use.

The proposed amendments through the recommended zoning by-law would avoid the requirement to construct communal facilities (e.g., showers), which the existing building was not

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designed to accommodate, and allow for each separate tenant to design the facilities internal to their unit based on any additions to the existing building. These changes will continue to support active transportation infrastructure opportunities for employees who frequent the site.

4. Amendments to Outdoor Storage Requirements:

The existing M1 Zone contains multiple performance standards related to the regulation of outdoor storage on a subject property. The existing By-Law prohibits open storage from being located in a front yard and/or exterior side yard on the subject property which aligns with the general direction of Section 3.6.A.1.(i) of the Official Plan. The proposed amendment does not look to modify this requirement but seeks relief from the rear and interior side yard setback requirements of the zone. These proposed setback reductions are consistent with the on-site build out and development. Specifically, the existing asphalt surface parking area is setback approximately 3.0 metres from the interior lot line between the subject property and the property addressed as 20 Hyperion Court while the asphalt surface parking area is setback approximately 4.5 metres from the rear lot line dividing the subject property from the adjacent parcel that accommodates Novelis Ltd (Exhibit H - Existing Site Plan). Given the adjacent land uses to the east and south, as well as vegetation between the existing asphalt areas on-site and the interior and rear lot lines (Exhibit I – Site Photographs), the proposed reduction in required yard setbacks applicable to the accessory outdoor storage area are appropriate and in keeping with the intent of the Kingston Zoning By-Law 2022-62.

In addition to the requested reductions to the required yard setbacks, the recommended zoning by-law amendment includes modifications to the percentage of area for which open storage may occupy the subject lands. The proposal is looking to increase the total area by 10% (from 15% to 25%) that may accommodate open storage to primarily support the existing tenant (St. Lawrence Pools) that occupies the westernmost unit within the existing building. The subject property is a corner property that maintains frontage on two municipal local streets and is screened from the street via existing vegetated buffer approximately 15 metres in depth. This vegetated buffer at the properties perimeter functions to screen the on-site surface parking areas that are currently occupying the front, exterior, interior, and rear yards of the property. Therefore, the requested expansion to the accessory outdoor storage area remains compatible through the continued preservation of the existing on-site vegetation which screens the area from the frontages of the property and remains generally in keeping with the intent of the Official Plan and the Kingston Zoning By-Law 2022-62.

Other Applications

There have been a number of previous Planning Act application at this address, including:

2022 – A Minor Variance application (File Number D13-045-2022) to establish a complementary use within the Business Park Industrial (M1) zone. The applicant proposes to establish a 'day care centre' that would be limited to 25% of the floor area of the building. The applicant has also requested variances to reduce the minimum number of loading spaces from two (2) to one (1).

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2002 – A Site Plan Control application (File Number D11-146-2002) was approved to permit the construction of the one storey 3,718 square metre building with 200 vehicular parking spaces and 4 associated accessible parking spaces.

No other applications have been submitted at this time. A future application for Site Plan Control will be required to facilitate the proposed open storage component of the proposal.

Technical Analysis

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with this application remain at this time. Further detailed analysis will be undertaken at the time of future Site Plan Control submission.

Public Comments

A Community Meeting was held on March 21, 2024, with no public comments received before or during the Planning Committee meeting.

As of the date of finalizing this report, there have been no public submissions related to the application.

Effect of Public Input on Draft By-Law

None

Conclusion

In conclusion, the proposed Zoning By-Law will enable additional complementary use permissions to underutilized employment lands on full municipal services in the Urban Boundary, which will ultimately foster a diversified economic base and provide support and services to meet the needs of the primary business park uses without interfering with the intended function of its surrounding area. A Holding Overlay will apply to ensure that proposed sensitive uses can be compatible with existing and planned employment uses in the vicinity, before being established. Any new development would be required to comply with the performance standards of the zoning by-law and ensure that proper functioning of the Business Park Industrial area in a manner that is compatible with surrounding uses is maintained. The recommendation within this report is consistent with the PPS, conforms to the general intent with the City's Official Plan and represents good land use planning.

Existing Policy/By-Law:

The proposed amendment was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province's and the City's vision of development. The following documents were assessed:

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Provincial

Planning Act

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

Notice Provisions:

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to 11 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. In addition, a courtesy notice placed in The Kingston Whig-Standard on July 9, 2024.

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

At the time of writing of this report, 0 pieces of written public correspondence have been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Niki Van Vugt, Intermediate Planner, 613-546-4291 extension 3253

Other City of Kingston Staff Consulted:

None

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Exhibits Attached:

- Exhibit A Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62
- Exhibit B Key Map
- Exhibit C Neighbourhood Context
- Exhibit D Consistency with the Provincial Policy Statement
- Exhibit E Official Plan, Existing Land Use
- Exhibit F Conformity with the Official Plan
- Exhibit G Kingston Zoning By-Law 2022-62
- Exhibit H Existing Site Plan
- Exhibit I Site Photographs
- Exhibit J Public Notice Notification Map
- Exhibit K Existing Floor Plans
- Exhibit L Site Plan with Potential Outdoor Storage

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Introduction of Exception E170 and Addition of Holding Overlay H239 (40 Hyperion Court))

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”);

And 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 by adding Exception ‘E170’, as shown on Schedule “A” attached to and forming part of this By-Law;
 - 1.2. Schedule F – Holding Overlay is amended by adding Holding Overlay ‘H239’, as shown on Schedule “B” attached to and forming part of this By-Law;
 - 1.3. By adding the following Exception Number E170 in Section 21 – Exceptions, as follows:

“E170. Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

 - (a) The following **complementary uses** are permitted, up to a maximum of 49% of the total **gross floor area**, in the aggregate:
 - (i) **Animal Care**
 - (ii) **Animal Shelter**
 - (iii) **Day Care Centre**
 - (iv) **Financial Institution**

- (v) **Fitness Centre**
 - (vi) **Laundry Store**
 - (vii) **Personal Service Shop**
 - (viii) **Recreation Facility**
 - (ix) **Wellness Clinic;**
 - (b) The calculation for the number of bike spaces and **end-of-trip bike facilities** will be determined based on the individual units within the **building**, and not on the overall **building**;
 - (c) Clause 7.3.16. does not apply to a **change of use**;
 - (d) A **retail store** is permitted only as an **accessory use** to a **principal use** on the **lot** and must not exceed 25% of the **gross floor area** of the **building**; and
 - (e) **Outdoor Storage:**
 - (i) Minimum **rear setback** is 3.0 metres;
 - (ii) Minimum **interior setback** is 3.0 metres; and
 - (iii) Maximum area of **outdoor storage** is 25% of lot area.”
- 1.4. By adding the following Hold Number H239 in Section 22 – Holding Conditions, as follows:

“**H239.** The Holding Overlay applies only to a **Day Care Centre**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements; and
- (b) A Record of Site Condition (RSC) signed by the qualified person who prepared it, along with a copy of all supporting studies, and which meets the requirements of Ontario Regulation 153/04 (as amended), is provided and completed to the satisfaction of the **City**, as applicable.”

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 Jaynes
City Clerk


Bryan Paterson
Mayor



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

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

Address: 40 Hyperion Court
File Number: D14-008-2024

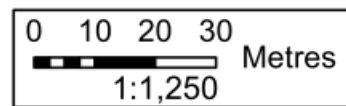
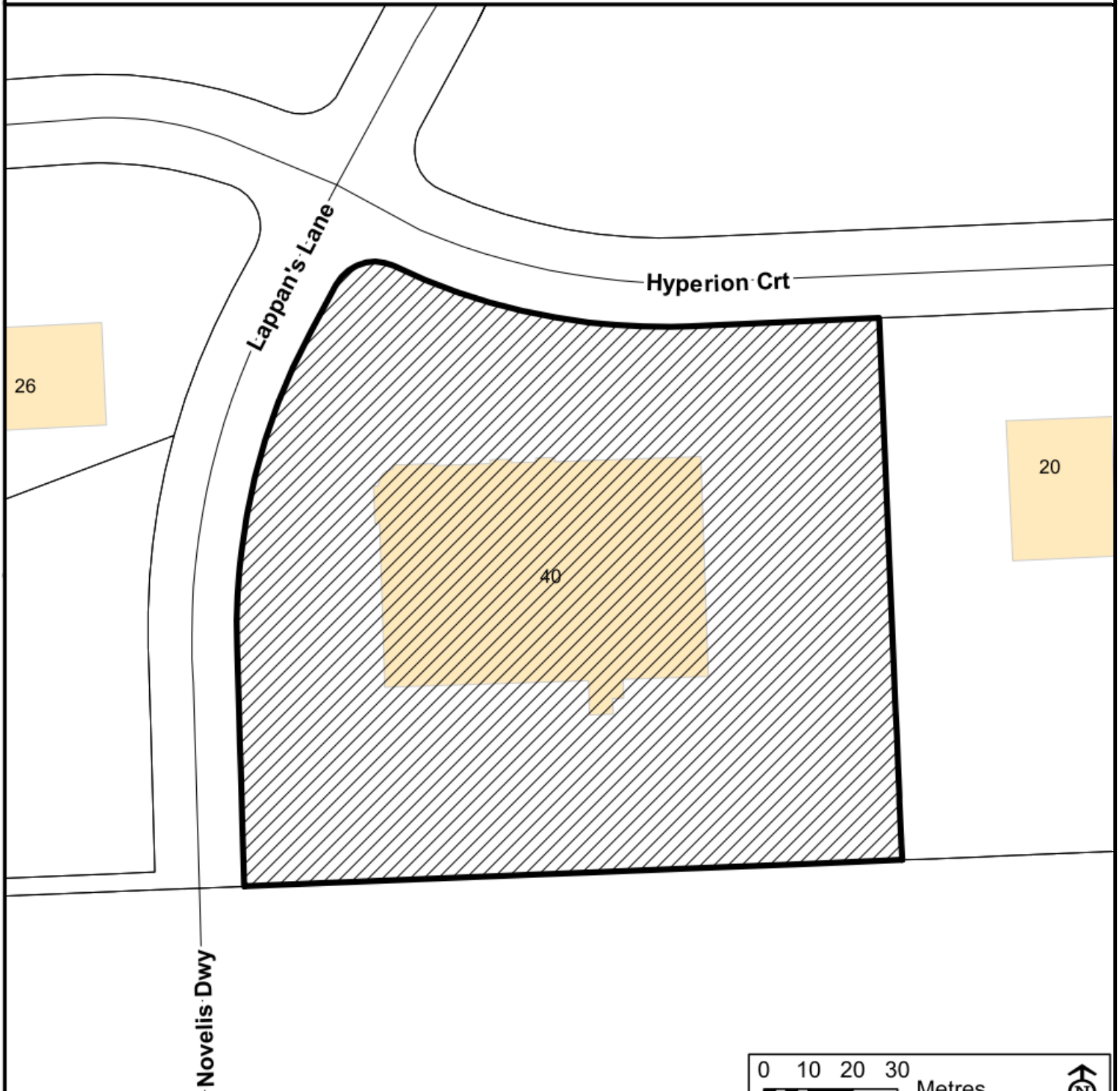
 Lands to be added as E170

Certificate of Authentication

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

_____ Mayor

_____ Clerk






Planning Services

Schedule 'B' to By-Law Number

Address: 40 Hyperion Court
File Number: D14-008-2024

**Kingston Zoning By-Law 2022-62
Schedule F - Holding Overlay**

 Lands to be added as H239

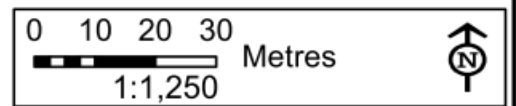
Certificate of Authentication

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

Mayor Clerk




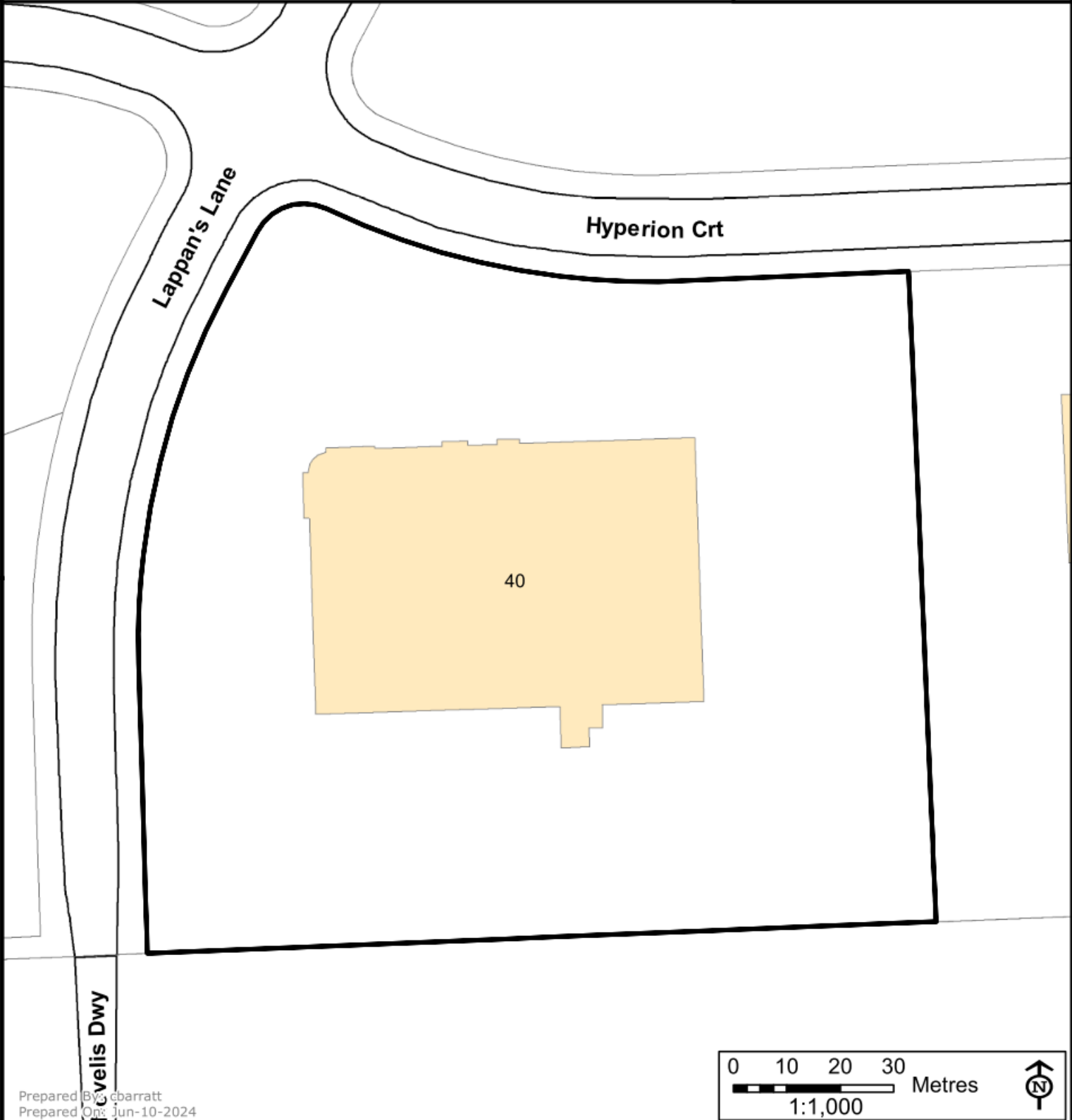
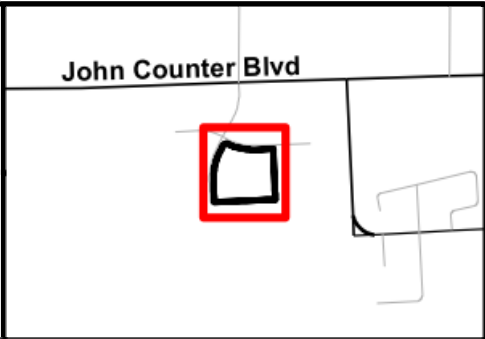
Prepared By: cbarratt
Date: Jun-10-2024



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Planning Committee
Key Map
Address: 40 Hyperion Court
File Number: D14-008-2024
Prepared On: Jun-10-2024
 Subject Lands



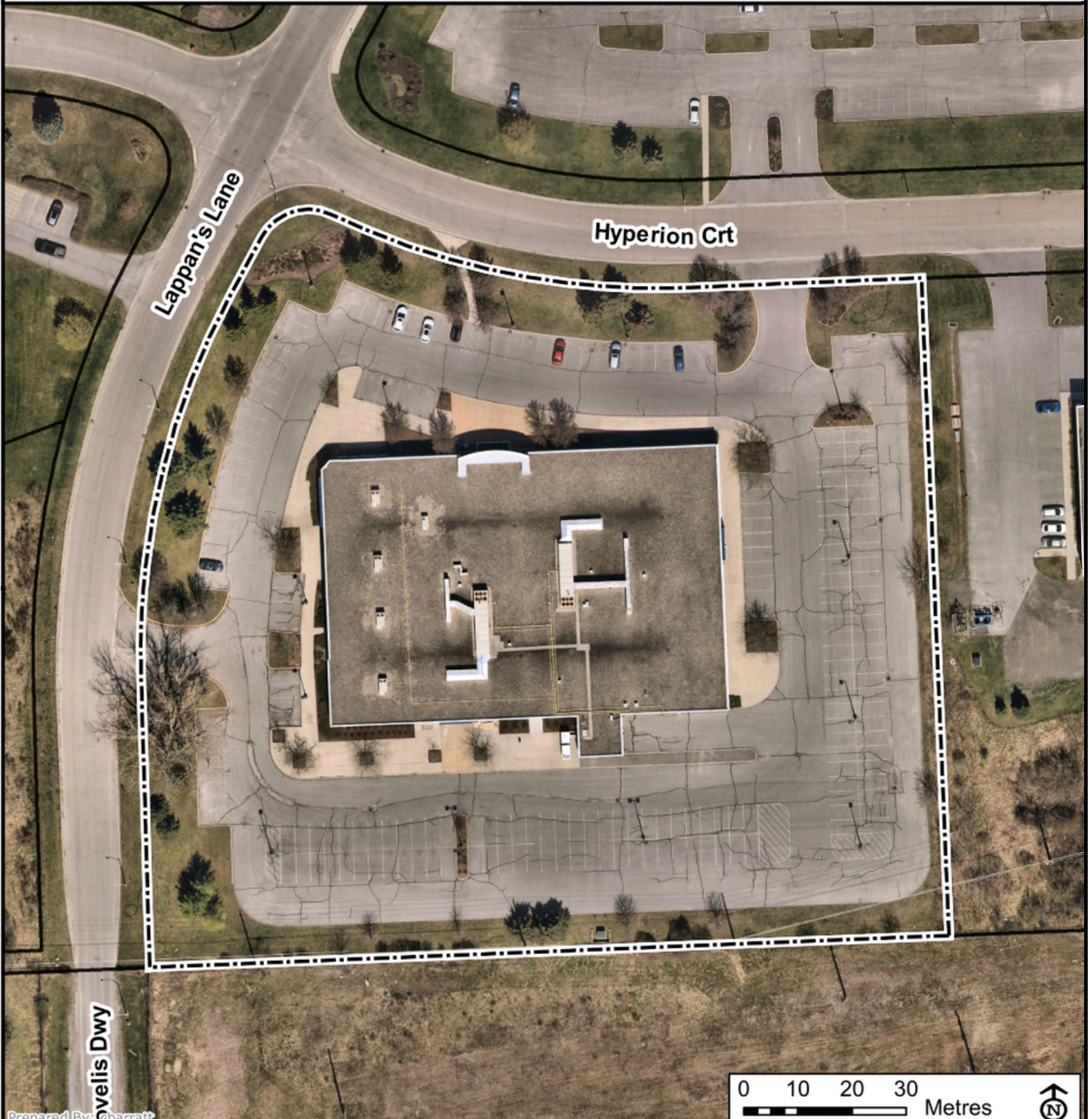
Prepared By: cbarratt
Prepared On: Jun-10-2024



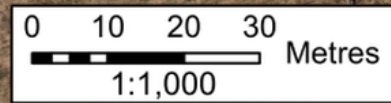
Planning Committee Neighbourhood Context

Address: 40 Hyperion Court
File Number: D14-008-2024
Prepared On: Jun-10-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Prepared By: Gbarratt
Prepared On: Jun-10-2024



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

Policy Number	Policy	Category	Consistency with the Policy
1.1.1	<p>Healthy, livable and safe communities are sustained by:</p> <ul style="list-style-type: none"> a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas; e) promoting the integration of land use planning, growth 	<p>Building Strong Healthy Communities - Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns</p>	<p>The proposed list of complementary uses identified through the zoning by-law amendment are anticipated to sustain the financial well-being of the municipality over the long term by diversifying the economic uses in the employment area through the introduction of additional commercial uses complementary to the principal employment uses in the area.</p> <p>The subject lands are designated Business Park Industrial which enables employment uses in the City of Kingston Official Plan. The complementary uses enabled by the zoning by-law amendment are contemplated under Section 3.6.A.2 of the Official Plan and will assist the City with meeting its long-term economic needs.</p> <p>The recommended zoning by-law amendment includes a Holding Overlay (H239), associated with a Day Care Use, which</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate</p>		<p>requires a Noise Study and Record of Site Condition prior to the implementation of this use. These studies are required to ensure that there are no public health and safety concerns associated with the introduction of the identified Day Care Use to the subject lands.</p> <p>The subject lands are located in the Urban Boundary of the City of Kingston. The existing use, and inclusion of additional complementary uses, comply with the intent of the underlying land use designation. The subject property is walking distance of a bus stop located at Lappan's Lane (south side of John Counter Boulevard) for transit route 7C, Bus Terminal Transfer Point (Platform 4) with connections to transit routes 2, 2B, 7, 7A, 7B, 7C, 12A, 16, 18, and Bus Terminal Transfer Point (Platform 3) which includes connections to transit routes such as 2, 2B, 7, 7B, 12A, 16 and active connections.</p> <p>The existing building was constructed in</p>

Policy Number	Policy	Category	Consistency with the Policy
			<p>accordance with the Site Plan Control file D11-146-2002) which included a total of 4 accessible spaces, located adjacent to the front entrance. It is anticipated that potential accessibility upgrades may be required through any internal construction, as part of future Tenant Fit Ups or alterations to existing units, as identified through the Ontario Building Code.</p> <p>The subject lands are serviced by existing municipal infrastructure and public service facilities. A Servicing Report was prepared and submitted with the zoning by-law amendment application which determined that the existing services to the site are adequate to support the additional uses proposed in the zoning by-law amendment.</p> <p>The property does not include any natural heritage features as identified in Schedule 7 and 8 of the Official Plan. As such, the recommended zoning by-law amendment supports a land use</p>

Policy Number	Policy	Category	Consistency with the Policy
			<p>pattern that conserves biodiversity.</p> <p>The recommended zoning by-law amendment will enable the owner's ability to increase flexibility through additional uses in the existing building, without any demolition contemplated. The preservation, and potential renovation, of the existing building allows for less demolition waste and decreases the overall amount of embodied carbon associated with the subject lands.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	Building Strong Healthy Communities - Settlement Areas	The subject lands are located within the Urban Boundary, defined as the settlement area for the City, which is the primary area designated for growth and development in the City of Kingston Official Plan.
1.1.3.2	Land use patterns within settlement areas shall be based on densities and a mix of land uses which: a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their	Building Strong Healthy Communities - Settlement Areas	The introduction of additional permitted uses and expansion of complementary uses, as identified in the proposed zoning by-law amendment, represent an efficient use of land and existing municipal services, given the existing on-site development and

Policy Number	Policy	Category	Consistency with the Policy
	<p>unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive. Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.</p>		<p>property's strategic location.</p> <p>The subject lands are supported by active and transportation infrastructure which will assist with reducing the automobile demands to access the subject lands.</p> <p>The subject property is in close proximity to Highway 401, via two Arterial Roads within the City – John Counter Boulevard and Division Street and/or Sir John A. Macdonald Boulevard.</p>
1.1.3.4	<p>Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	<p>Building Strong Healthy Communities - Settlement Areas</p>	<p>The recommended zoning by-law does not currently contemplate any on-site development. The zoning by-law amendment has the effect of increasing the percentage and permitted complementary uses for the existing one storey building located in the serviced business park. The proposed uses are compatible with surrounding development. A Holding</p>

Policy Number	Policy	Category	Consistency with the Policy
			<p>Overlay (H239) associated with the proposed Day Care Use will be placed on the property to ensure that the required studies (e.g., Noise and Record of Site Condition) are supplied to confirm that the use is compatible with existing and planned employment uses in the vicinity, in advance of its introduction to the site.</p>
1.1.3.6	<p>New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.</p>	<p>Building Strong Healthy Communities - Settlement Areas</p>	<p>Refer to Sections 1.1.1. and 1.1.3.1</p>
1.2.6.1	<p>Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.</p>	<p>Building Strong Healthy Communities - Land Use Compatibility</p>	<p>The subject lands are located in an area designated for employment uses. Business Park Industrial land uses are permitted on the lands to the north, south, east and west. If a more sensitive use (Day Care Centre) is proposed on the subject property, the recommended Holding Overlay (H239) will ensure that the Noise Study and Record of Site</p>

Policy Number	Policy	Category	Consistency with the Policy
			Condition is prepared in accordance with the Provincial standards and guidelines to ensure 1) that the use is appropriately designed to mitigated noise associated with the existing and planned employment uses in the surrounding vicinity and 2) meets the requirements of Ontario Regulation 153/04.
1.2.6.2	Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures: a) there is an identified need for the proposed use; b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; c) adverse effects to the proposed sensitive land use are minimized and mitigated; and	Building Strong Healthy Communities - Land Use Compatibility	Refer to Section 1.2.6.1. The recommended zoning by-law amendment seeks to expand the permitted uses of the subject property by including complementary uses to the existing light industrial uses that are currently located in the Alcan Business Park. The inclusion of a Day Care Centre is an identified need for the proposed area, to assist with supporting the existing employees who frequent this area. Potential impacts to industrial, manufacturing or other uses are minimized and mitigated through the required studies associated with the

Policy Number	Policy	Category	Consistency with the Policy
	d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.		Holding Overlay (H239).
1.3.1	<p>Planning authorities shall promote economic development and competitiveness by:</p> <p>a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;</p> <p>b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;</p> <p>c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</p> <p>d) encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities, with consideration of housing policy 1.4; and</p> <p>e) ensuring the necessary infrastructure is provided to</p>	Building Strong Healthy Communities - Employment	<p>Refer to Sections 1.1.1 & 1.1.3.2</p> <p>The recommended zoning by-law amendment is consistent with the policy promoting economic competitiveness as it provides increased flexibility to introduce an appropriate mix of complementary commercial uses, on up to 49% of the gross floor area of the site. The proposal will eliminate barriers to the introduction of new business opportunities within the context of the Business Park Industrial designation and contribute to the potential success of maintaining occupancy and attracting business to the area.</p>

Policy Number	Policy	Category	Consistency with the Policy
	support current and projected needs.		
1.3.2.1	Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.	Building Strong Healthy Communities - Employment Areas	Refer to Sections 1.1.1. & 1.1.3.2
1.3.2.3	Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.	Building Strong Healthy Communities - Employment Areas	The recommended zoning by-law amendment does not include the introduction of any residential uses. As indicated in Sections 1.1.1, 1.1.3.4, and 1.2.6.1 a Holding Overlay (H239) will be put in place to the proposed Day Care Use to ensure land use compatibility.
1.3.2.6	Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations	Building Strong Healthy Communities -	The recommended zoning by-law amendment protects the employment area, as it does not seek to change employment land uses permitted on the subject property, which are permitted to occupy 100% of the gross floor area on site. However, the proposed by-law (Exception E170) will allow increased flexibility for a maximum of 49% of

Policy Number	Policy	Category	Consistency with the Policy
			the gross floor area to be occupied by complementary land uses which are contemplated as permitted under Section 3.6.A.2. and Section 3.6.12. of the Official Plan.
1.6.3	Before consideration is given to developing new infrastructure and public service facilities: a) the use of existing infrastructure and public service facilities should be optimized; and b) opportunities for adaptive re-use should be considered, wherever feasible.	Building Strong Healthy Communities - Infrastructure and Public Service Facilities	Refer to Section 1.1.1
1.6.6.1	Planning for sewage and water services shall: a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing: 1. municipal sewage services and municipal water services; and 2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible; b) ensure that these systems are provided in a manner that: 1. can be sustained by the water resources upon which such services rely; 2. prepares for the impacts of a changing	Infrastructure and Public Service Facilities - Sewage, Water and Stormwater	Refer to Section 1.1.1.

Policy Number	Policy	Category	Consistency with the Policy
	<p>climate; 3. is feasible and financially viable over their lifecycle; and 4. protects human health and safety, and the natural environment;</p> <p>c) promote water conservation and water use efficiency;</p> <p>d) integrate servicing and land use considerations at all stages of the planning process; and</p> <p>e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.</p>		
1.6.6.2	<p>Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and</p>	<p>Infrastructure and Public Service Facilities - Sewage, Water and Stormwater</p>	<p>Refer to Section 1.1.1. The recommended zoning by-law amendment is intended to support the viability of development envisioned for the subject property. Additional development on the subject property will optimize the use of existing municipal services, as indicated in the supplied Servicing</p>

Policy Number	Policy	Category	Consistency with the Policy
	redevelopment shall be promoted wherever feasible to optimize the use of the services.		Report, and occur within the existing one storey building on the subject lands.
1.6.6.7	<p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; and f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development. 	Infrastructure and Public Service Facilities - Sewage, Water, and Stormwater	The current proposal does not contemplate any exterior changes to the property. If exterior changes are proposed in the future, for example the expansion of the outdoor storage area, the Site Plan Control modification process may require a Stormwater Management Report to evaluate any changes to existing drainage conditions and to prepare recommendations for the proposed on-site changes and development.
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	Infrastructure and Public Service Facilities - Transportation Systems	The recommended zoning amendment is not expected to have an adverse impact on the existing or planned transportation system. A traffic impact study

Policy Number	Policy	Category	Consistency with the Policy
			was not requested as part of the zoning by-law amendment application.
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	Infrastructure and Public Service Facilities - Transportation Systems	Refer to Section 1.1.1
1.7.1	Long-term economic prosperity should be supported by: a) promoting opportunities for economic development and community investment-readiness; c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities; k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and	Long-Term Economic Prosperity	Refer to Section 1.1.1 The recommended zoning bylaw amendment will optimize the long-term availability and use of land, resources and infrastructure ultimately by fostering development on a fully-serviced property on local roads within walking distance to several transit stops and active infrastructure (e.g., Leroy Grant Trail).
1.8.1	Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which: a) promote compact form and a structure of nodes and corridors;	Energy Conservation, Air Quality and Climate Change	Refer to Section 1.1.1 The subject lands are within walking distance of an existing transit route and cycling infrastructure as part of the Active Transportation Master Plan. Complementary uses are intended to improve the quality of life and reduce dependence on the

Policy Number	Policy	Category	Consistency with the Policy
	<p>b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;</p> <p>c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;</p> <p>d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities;</p> <p>f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and</p> <p>g) maximize vegetation within settlement areas, where feasible.</p>		<p>private automobile for employees within employment areas by providing support and services near employment uses. By maintaining a range of supportive uses, this will ultimately encourage the use of walking and cycling infrastructure by employees of the Alcan Business Park. The recommended zoning by-law amendment includes relief from the long-term bike parking requirements to recognize the constraints for the existing developed building on the subject lands and requires bike related facilities to be incorporated into each individual unit through future on-site changes. As a result, supportive bike infrastructure remains contemplated through the proposal but limited on a per unit basis.</p> <p>Through this application, no on-site development is currently contemplated. However, as part of this application, consideration was given to expanded</p>

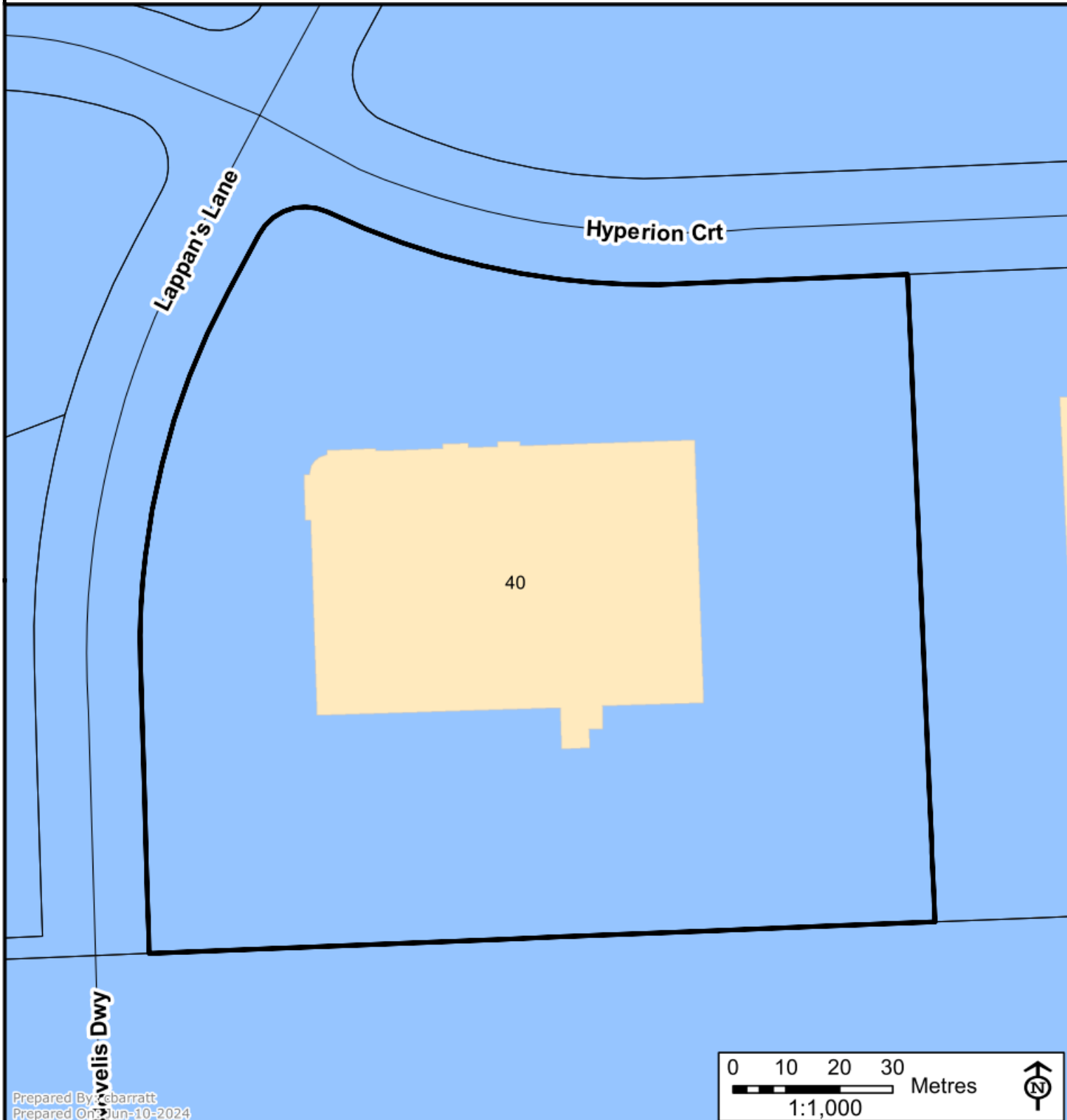
Policy Number	Policy	Category	Consistency with the Policy
			<p>outdoor storage, which is screened via vegetation along the western exterior lot line which buffers the area from the public realm associated with the terminus of Lappan's Lane. It is important to note that any additional on-site development occur in the future, Site Plan Control approval may be required, which will allow for a thorough review of the design and orientation of any on-site development and changes to the outdoor storage area and required screening through on-site landscaping to lessen the visual impact of this accessory use.</p>
2.6.2	<p>Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.</p>	<p>Cultural Heritage and Archaeology</p>	<p>The recommended zoning by-law does not currently contemplate any on-site development. An archaeological report was not requested as part of the zoning by-law amendment application.</p>



Planning Committee
Official Plan, Existing Land Use

Address: 40 Hyperion Court
File Number: D14-008-2024
Prepared On: Jun-10-2024

- Subject Lands
- BUSINESS PARK INDUSTRIAL



Prepared By: ebarratt
Prepared On: Jun-10-2024

Demonstration of How the Proposal Conforms to the Official Plan

Section 2 – Strategic Policy Direction

Policy	Conformity with the Policy
<p>2.1.1. Most growth will occur within the Urban Boundary, shown on Schedule 2, where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> a. appropriate (minimum) densities; b. land use patterns that foster transit and active transportation; c. enhanced access to public amenities and spaces for all residents, visitors and workers; d. opportunities for sharing resources such as parking, utilities, and the land base for locally grown produce, in the form of urban agriculture, as well as educational, recreational or cultural assets; e. direction of new development and key land uses to areas where they can best result in sustainable practices; f. promotion of employment opportunities and alliances that enhance local skills, educational resources and the use of local products, including food; g. maximized use of investments in infrastructure and public amenities; h. strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use; 	<p>The subject lands are located within in the Urban Boundary. Development facilitated by the recommended zoning by-law amendment will achieve sustainability objectives by directing an appropriate mix of employment and complementary uses to a land parcel that is on full municipal water and sanitary services and has access to active and public transit services. The lands are located centrally with varied uses in walking distance (residential, open space, commercial, industrial and institutional uses). Future development on the lands maximizes investments in infrastructure.</p> <p>The property is within walking distance of a bus stop located at Lappan’s Lane (south side of John Counter Boulevard) for transit route 7C, Bus Terminal Transfer Point (Platform 4) with connections to transit routes 2, 2B, 7, 7A, 7B, 7C, 12A, 16, 18, and Bus Terminal Transfer Point (Platform 3) which includes connections to transit routes such as 2, 2B, 7, 7B, 12A, 16 and active transportation infrastructure.</p> <p>The subject lands are currently developed with a one storey building. As part of the submission materials, the applicant has submitted a Servicing Study that confirms the proposal will efficiently utilize existing municipal infrastructure. The recommended zoning by-law amendment increases the total permitted gross floor area allocated to complementary uses to 49% that will complement and broaden the range of employment opportunities and business services that will act as an amenity for those employed in the area and diversify the uses on the land to benefit those in the surrounding residential area.</p>

Policy	Conformity with the Policy
<p>i. parks that are planned to be accessed by urban residents within a ten minute walk and situated in locations that lessen the need for pedestrians to cross an arterial road or major highway;</p> <p>j. where possible, the preservation of mature trees for shade and their other beneficial ecological and community effects;</p> <p>k. climate positive development;</p> <p>l. promotion of green infrastructure to complement infrastructure;</p> <p>m. encouraging a mix of land uses that provide for employment, education, personal service and convenience retail in close proximity to residential land uses, subject to compatibility matters as outlined in Section 2.7; and,</p> <p>n. an ecosystem approach to protecting the natural heritage system.</p>	
<p>2.1.4. In reviewing development applications, the City will promote sustainability through:</p> <p>b. design, landscaping, and streetscaping practices that promote protection from undesirable sun, wind, or other conditions and reduces the negative effects of urban summer heat;</p> <p>c. design, landscaping, and streetscaping practices that reduce the quantity of impermeable surfaces;</p>	<p>Refer to Section 2.1.1.</p> <p>The proposal does not currently contemplate any additional on-site construction than what is currently existing on the subject lands. Through the previous Site Plan Control file (City File D11-146-2002) associated with the development of the subject lands, the construction of the existing one storey 40,025 square feet in gross floor area building was constructed with the associated 200 vehicular parking spaces and plantings. At this time, there are a significant portion of on-site plantings, green space and vegetation – all of which will reduce the properties asphalt surfaces and increase permeability through the site. Through this overall development plan, the intent is to convert some of the asphalt surface parking spaces to be utilized for outdoor while retaining the</p>

Policy	Conformity with the Policy
<p>d. construction and operational practices that minimize waste and maximize re-use of resources;</p> <p>e. practices that conserve or recycle materials, energy, or other resources;</p> <p>f. design which promotes a reduction of automobile trips, active transportation and transit, including secured public access to bicycle storage and parking;</p> <p>i. design that reduces municipal costs associated with the provision of infrastructure and municipal service delivery over the long term;</p> <p>j. development that generates sufficient tax revenue to pay for the increased services (e.g., solid waste collection, fire and police services, snow clearing, etc.) that the City has to provide; and,</p> <p>k. development that suits the demographic and/or socio-economic needs of the community.</p>	<p>existing landscaped open space area and complying with the requirements for accessory outdoor storage as identified in the Official Plan and Kingston Zoning By-Law 2022-62.</p> <p>The recommended zoning by-law amendment will enable the owner’s ability to increase flexibility through additional uses in the existing building, without any demolition contemplated. The preservation, and potential renovation, of the existing building allows for less demolition waste and decreases the overall amount of embodied carbon associated with the subject lands. Through the overall development plan, the proposal seeks to maximize the re-use of materials in limiting the extent of onsite changes.</p> <p>The applicant indicates in the Planning Justification that the overall development plan does not seek to expand the built form of the existing on-site development. Therefore, the proposal does not seek to significantly increase the City’s tax base on new industrial gross floor area. Rather, the proposal seeks to introduce additional permitted uses that may occupy the underutilized floor area of the vacant portion of the existing building and support residents with increased employment opportunities locally.</p> <p>The proposed list of expanded uses to the site includes a Day Care Use, Fitness Centre, and Wellness Clinic which are anticipated to benefit the surrounding community, both employees within the Business Park and surrounding individuals located in the surrounding residential area.</p>
<p>2.2.6. Business Districts are primarily intended to accommodate employment opportunities. These include General Industrial and Business Park Industrial designations, as well as the Waste Management Industrial designation and limited retail and service commercial uses that serve business activities. The Norman Rogers</p>	<p>The subject lands are not adjacent to or in close proximity to any sensitive uses in the area. As part of the recommended zoning by-law amendment application, a Holding Overlay (H239) will be established specifically as it relates to the proposed Day Care Use which is an identified sensitive use. Prior to its inception, the applicant will be required to submit the necessary documents (e.g., Noise Study and Record of Site Conditions) to ensure any required mitigative measures are put in place to protect existing</p>

Policy	Conformity with the Policy
<p>Airport is also recognized as being in a Business District under an Airport designation. Regional Commercial uses and some specialized quasi-commercial uses will be limited to the permitted uses for the specific designations, as described in Section 3. Standards in Business Districts will be sufficiently flexible to allow a ready response to new types of employment uses provided that:</p> <ul style="list-style-type: none"> a. areas of interface with sensitive uses are addressed so that compatible development is achieved and there is no adverse effect on the sensitive use or to the proposed employment use(s); c. uses which may involve noise or odour are sufficiently separated, buffered, or screened in accordance with the Ministry of the Environment and Climate Change Guidelines (D-1 and D-6) or any such further regulation implemented by the City, as applicable; d. uses which generate large amounts of traffic or have intensive onsite operations are located in areas that are able to accommodate, or can be improved to accommodate, such activity levels without adverse effects on the planned transportation system, the nearby Housing Districts, Centres or Corridors; and, e. regional commercial uses, institutions, recreation or hospitality uses will be restricted to limited locations that will not 	<p>employment uses and provincial regulations are satisfied.</p> <p>The introduction of the complementary uses identified in the proposed zoning by-law amendment are not anticipated to prevent the current operation or future expansion of employment uses in the surrounding area and is intended to support the vitality of the area through the diversification of available economic opportunities.</p> <p>The proposal is not anticipated to produce excess levels of noise or odour. The proposed complementary uses are not anticipated to generate large amounts of traffic or have intensive onsite operations. The proposed Holding Overlay (H239) will ensure that the sensitive uses of a day care centre cannot be established until a Noise Impact Study is completed - to ensure compatible development can be achieved and there is no adverse effect on the sensitive use or to the proposed employment use(s) – and a Record of Site Condition is received.</p> <p>The proposed uses will work in conjunction with the surrounding existing and future employment uses to further support the vitality of the employment area.</p>

Policy	Conformity with the Policy
undermine the business park, industrial or technological uses intended as the focus of Business Districts.	
2.3.1. The focus of the City's growth will be within the Urban Boundary, shown on Schedule 2, where adequate urban services exist, or can be more efficiently extended in an orderly and phased manner, as established by this Plan. Kingston's Water Master Plan and Sewer Master Plan will guide the implementation of the infrastructure planning.	Refer to Section 2.1.1.
2.3.7. The City will promote and protect employment areas and pursue increased levels of job creation in the commercial, institutional and industrial sectors in order to foster a diversified and vigorous economic base with a range of opportunities for its residents.	The recommended zoning by-law amendment will permit a range of business park and complementary uses on the subject lands, which will support diversified economic development opportunities, and facilitate future development that is consistent with the employment principles of growth.
2.5.10. In order to foster sustainability within the City and reduce reliance on the automobile, the City will make efficient use of the existing infrastructure and provide the facilities and services to encourage active transportation and transit as priority modes before providing new road infrastructure in order to satisfy travel demand. While the automobile will continue to be the primary mode of transportation in the City, other, more active forms of transportation will be aggressively promoted to maximize existing road capacity	See Section 2.1.1. The subject lands are connected to surrounding Business Park uses in the Alcan District. In accordance with section 3.6.12 of the Official Plan, incorporating complementary uses into employment lands reduce dependence on the private automobile for employees within the employment area by providing support and services in close proximity to employment uses. The proposal does look to alter bike parking requirements, in light of the unique existing on-site characteristics. As the existing one storey building was constructed under the former By-Law 8499, where bike parking requirements were not previously captured, the applicant is looking to allow for flexibility through the recommended by-law to still support the facilitation of the bike parking spaces. However, through the recognition

Policy	Conformity with the Policy
<p>and improve environmental conditions.</p>	<p>of the existing on-site constraints (e.g., already developed building) where new bike spaces would be required on a per unit basis versus through the overall building area. This recommended change to the provision of the zoning by-law will continue to support future active transportation infrastructure improvement to the site but recognizes the limitations and constraints of the existing development located on the subject lands.</p>
<p>2.5.11. The use of transit will be supported and encouraged through the development of mixed-use areas and mixed-use buildings, the development of Corridors and more intense mixed-use Centres, and through the increase of densities within newer areas, compatible uses and infill with complementary uses, and appropriate development of underutilized and brownfield sites.</p>	<p>See section 2.1.1.</p> <p>The recommended zoning by-law amendment will allow for the appropriate mix of business park and complementary uses on the subject property, which is presently underutilized, and connected to public transit. Ultimately, the range of uses will draw residents to access the property through transit service available, and active transportation infrastructure, in close proximity to the subject lands.</p>
<p>2.7.1. Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.</p>	<p>Refer to Section 2.1.1.</p> <p>A site plan was approved for the subject property in 2002 which was reviewed for functionality of the parking areas, and pedestrian circulation. Future exterior changes to existing development, if proposed, will be subject to Site Plan Control to similarly ensure site functionality as well as accessibility.</p>
<p>2.7.2. The demonstration of compatible development and land use change must consider the potential for adverse effects and matters that have the potential to negatively impact the character, planned function and/or ecological integrity of an area, and the health and safety of humans. Where there exists a potential for negative impacts, a land use compatibility study, focused specifically on the</p>	<p>The application for zoning bylaw amendment includes the submission of a Planning Justification report which addresses matters regarding land use compatibility. The subject lands are located within a Business Park land use designation, where increased complementary use permissions are contemplated as per the requirements of section 3.6.12. The recommended zoning by-law amendment includes the addition of a Holding Overlay (H239) to address additional protective measures to more sensitive uses to ensure that potential negative impacts can be mitigated, prior to establishing permission for a Day Care Centre.</p>

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<p>identified land use compatibility matters, will be required.</p>	
<p>2.7.3. The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <ul style="list-style-type: none"> a. shadowing; b. loss of privacy due to intrusive overlook; c. increased levels of light pollution, noise, odour, dust or vibration; d. increased and uncomfortable wind speed; e. increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit; f. environmental damage or degradation; g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded; h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting; i. visual intrusion that disrupts the streetscape or buildings; j. degradation of cultural heritage resources; k. architectural incompatibility in terms of scale, style, massing and colour; or, 	<p>The proposal does not currently contemplate any proposed development of the existing one storey building on the subject property. As part of this application, consideration was given to expanded outdoor storage, which is screened via vegetation along the western exterior lot line which buffers the area from the public realm associated with the terminus of Lappan’s Lane. The proposed Exception Overlay (E170) does look to alter the performance standards under the M1 Zone of the Kingston Zoning By-law, however, there are no increases to maximum height or required setbacks. As such, compatibility matters such as shadowing, intrusive overlook, or wind are not anticipated to be impacted through this proposal.</p> <p>The proposed development is not anticipated to result in any disruption to the functionality of traffic, active transportation, or transit. The existing development is within walking distance to transit stops and routes (regular and express routes). A total of 200 parking spaces and 4 accessible spaces are previously approved through City File D11-146-2002 which will continue to allow for sufficient on-site parking to facilitate access for the existing and future uses contemplated through the proposal. A vehicle entrance is existing from Lappan’s Lane and Hyperion Court with parking located in the front and exterior yards with a two-way drive aisle to ensure ease of vehicle movement through the site. Further, a Traffic Impact Assessment was not requested of City staff as part of the review of the recommended zoning by-law amendment.</p> <p>The subject property is already developed. The proposed rezoning application will not cause environmental damage or degradation.</p> <p>The Servicing Report demonstrates that the development is not anticipated to diminish physical infrastructure serving the site or its surrounding area and will be able to utilize the existing municipal services. The development will not</p>

Policy	Conformity with the Policy
<p>I. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.</p>	<p>contribute to overloading social infrastructure such as schools, parks, and community facilities located near to the subject site, and this development poses no concerns with their capacity.</p> <p>The proposal does not contemplate any on-site built form changes. The proposal to utilize portions of the existing on-site vehicle parking for open storage is to be located to ensure that existing on-site vegetation is retained and the storage is screened from the public realm as per Section 3.6.A.1.(i) of the Official Plan. Moreover, a future Site Plan Modification application may be required which affords future review respecting potential mitigation measures to ensure no visual disruption of the streetscape. There are no known cultural heritage features on, or adjacent to, the site. The proposed additional uses are not anticipated to degrade any cultural heritage resources.</p> <p>The subject site is located in an employment area that is dominated by one and two storey, large footprint light industrial, business park and commercial uses. The existing development will be compatible with the scale, style and massing of the surrounding built form. Building entrances are located at the north and south sides of the building.</p>
<p>2.7.4. Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:</p> <ul style="list-style-type: none"> a. ensuring adequate setbacks and minimum yard requirements; b. establishing appropriate transition in building heights, coverage, and massing; c. requiring fencing, walls, or berming to create a visual screen; d. designing the building in a way that minimizes adverse effects; 	<p>See Section 2.7.3.</p> <p>The existing development incorporates appropriate setbacks from all lot lines which comply with zoning requirements. Through the proposed zoning by-law amendment, no relief is being sought from the performance standards of the zoning bylaw, separate from the inclusion of additional complementary use, retail stores, open storage, and bike parking. It is not anticipated that any additional mitigation measures will be required for the subject lands to achieve appropriate land use compatibility with surrounding uses.</p>

Policy	Conformity with the Policy
<p>e. maintaining mature vegetation and/or additional new landscaping requirements;</p> <p>f. controlling access locations, driveways, service areas and activity areas; and,</p> <p>g. regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.</p> <p><i>Planning Act</i> tools including zoning by-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.</p>	
<p>2.7.6. Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p> <p>a. suitable scale, massing and density in relation to existing built fabric;</p> <p>b. appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City's tree planting program;</p>	<p>See Sections 2.7.3. and Section 2.7.4.</p> <p>The existing standalone one storey office building will continue to maintain a suitable scale that is compatible with the existing built form in the surrounding employment area.</p> <p>The proposed uses do not require amenity area; however, the existing design thoughtfully contemplated landscaped open space and planting strips as part of the existing development.</p>

Policy	Conformity with the Policy
<p>c. adequate land area and appropriate site configuration or provision for land assembly, as required;</p> <p>d. efficient use of municipal services, including transit;</p> <p>e. appropriate infill of vacant or under-utilized land; and,</p> <p>f. clearly defined and safe:</p> <ul style="list-style-type: none"> • site access; • pedestrian access to the building and parking spaces; • amenity areas; • building entry; and, • parking and secure and appropriate bicycle facilities. 	
<p>2.9.1. It is the intent of this Plan to promote economic development and competitiveness by:</p> <p>a. providing an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs;</p> <p>b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities and complementary uses, and takes into account the needs of existing and future businesses;</p> <p>c. planning for, protecting and preserving employment areas for current and future uses;</p> <p>d. ensuring the necessary infrastructure is provided to</p>	<p>Refer to Section 2.1.1.</p> <p>The recommended zoning by-law amendment will look to permit the increased percentage and array of complementary uses, whereas the Kingston Zoning By-Law permits these uses up to 25% through a Minor Variance application as detailed in Section 3.6.12. of the Official Plan. This proposal will allow for a diversification of uses that meet the long-term needs in and around the surrounding area.</p> <p>The proposal will enable an appropriate mix of employment and supportive complementary uses on the lands that will also maintain the predominant use of the property for business park uses found in the M1 Zone. The proposal will allow additional flexibility for new business to be attracted to the subject lands to occupy a portion of the existing building which has been unoccupied for several years.</p>

Policy	Conformity with the Policy
<p>support current and projected needs; and,</p> <p>e. encouraging the development of business incubators.</p>	
<p>2.9.2. The City supports a strong and diversified economic base and works collaboratively with other levels of government and various agencies, such as the Kingston Economic Development Corporation (KEDCO), in developing and implementing economic strategies that:</p> <p>a. promote employment opportunities for residents of all ages and abilities;</p> <p>b. support retention and expansion programs for existing and evolving employment sectors;</p> <p>c. promote development and investment opportunities in conjunction with the City's: • available commercial and employment land base, including the commercial banking sector; • role as a regional transportation centre; • institutional assets, particularly research and development initiatives in the areas of education, clinical health, national defence, technology and alternative energies; • tourism, as addressed in more detail in Sections 2.9.3. and 2.9.4., below; • strong creative classes in various artistic, technical and business fields and their impacts on urban form through their social and economic inter-relations within the City; • economic development opportunities associated with</p>	<p>See Section 2.9.1.</p> <p>The proposed Zoning By-law Amendment will enable additional flexibility to the property by providing a diversified economic base through additional complementary use permissions that retain the predominant use of the property as business park uses, which could include research and development initiatives in the areas of education, clinical health, national defence, technology and alternative energies, referenced in policy 2.9.2. The additional uses will not preclude the primary permitted uses from also locating on the subject property as they will remain capped at 49% of the total gross floor area of the building.</p>

Policy	Conformity with the Policy
<p>mineral aggregate operations and mineral mining operations; • agricultural industry, particularly:</p> <ul style="list-style-type: none">o raising awareness of the contributions of agriculture to the local economy and environment;o coordinating producers and agricultural research and development organizations towards innovative and diversified farm and farm-related market opportunities;o promoting the increasing interest in sustainable farming methods and locally grown food; and,o strengthening value-added food and non-food distribution and processing networks to local consumers, retailers, restaurants, workplaces, and institutions; and, <p>d. recognize and respond to evolving industry and market trends in a timely, innovative and sustainable manner.</p>	

Section 3 – Land Use Designations & Policy

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<p>3.6.2. The City strongly supports a strong and diversified economic base. As outlined in the Employment Land Strategy Review, the City will continue to promote the City’s four Business Parks: Cataraqui Estates Business Park; Clyde Business Park; Alcan Business Park; and, the St. Lawrence Business Park. Other specific means of supporting economic development by the City are set out in Section 2.9.</p>	<p>Refer to Section 2.1.1.</p> <p>The subject lands are in the Alcan Business Park. The recommended zoning by-law amendment will enable a diversified employment base through providing additional complementary uses contemplated in Business Parks under section 3.6.A.2. of the Official Plan which can support the surrounding employment uses and the Alcan Business Park.</p>
<p>3.6.4. The City will take an active role in preserving employment areas for future job growth. A sufficient supply of land designated for employment uses must be maintained within the Urban Boundary in order to meet anticipated short and long-term needs, including an adequate supply of serviced land and an allowance for choice in terms of location, size of property, and servicing needs.</p>	<p>Refer to Section 3.6.2.</p> <p>The proposal will not remove the lands from the Business Park land use designation and will ensure a sufficient supply of land designated for employment uses is maintained within the Urban Boundary.</p>
<p>3.6.7. Employment areas will be protected from fragmentation, the intrusion of sensitive uses as defined by Ministry of the Environment and Climate Change guidelines, high traffic volumes or through traffic related to retail commercial uses or other land uses, and adverse effects</p>	<p>Refer to Section 2.1.1.</p> <p>The proposal will not have the effect of fragmenting the employment area, as the predominant use of the property will continue to be for business park uses.</p>
<p>3.6.11. A maximum of 25% of the total floor area of development on a lot designated for an employment use may be used for the purposes of the accessory display and/or accessory retail</p>	<p>The recommended zoning by-law amendment seeks to comply with this policy direction and not exceed 25% total gross floor area used for the purposes of accessory retail uses found within the existing building on the subject lands.</p>

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<p>sale of products manufactured, processed, fabricated, warehoused or assembled on the premises.</p>	
<p>3.6.12. Complementary uses are intended to improve the quality of life and reduce dependence on the private automobile for employees within the employment area by providing support and services in close proximity to employment uses. Complementary uses listed within the Business Park Industrial and General Industrial designations will require a minor variance or zoning by-law amendment, as appropriate, prior to being permitted by the zoning by-law in accordance with the following:</p> <p>a. a minor variance application may be used to establish complementary uses that occupy generally 25 percent of the total floor area of all buildings located on a parcel of land, provided the complementary uses: i. will provide a support or service to the employees within the employment area designations that are continuous to the subject parcel and that the support or service cannot be provided from an adjacent land use designation to such employment area; ii. will not hinder or preclude any employment uses from establishing on any lands in the employment area designations due to principles of land use compatibility, in accordance with Section 2. 7; and iii. will be oriented towards the road frontage and contribute to an</p>	<p>Refer to Section 2.7.</p> <p>The subject zoning by-law application is submitted in accordance with this policy to establish additional complementary use permissions to 49% of the total gross floor area on the site, beyond the 25% currently permitted on the subject property. The complementary uses selected are identified as permitted complementary use in the Business Park Industrial designation and will not hinder or interfere with the industrial uses in the surrounding area. The complementary use considered by the recommended zoning by-law amendment do exceed that which is contemplated by a minor variance, being limited to 25% of the total gross floor area, which is the primary reason why the zoning by-law amendment application is being sought.</p> <p>The complementary uses are able to act provide a support or service to the employees within the employment area and is not able to be provided from an adjacent land use designation in the employment area, as the adjacent parcels also remains designated as Business Park Industrial. The uses will not hinder or preclude any employment uses from establishing on any lands as a Holding Overlay (H239) will be placed on the Day Care Use and all other uses remain compliant with the principles of land use compatibility of Section 2.7. The implementation of any future uses identified in the Exception Overlay (E170) will be placed in the existing one storey building which is oriented towards the road frontage of the subject lands.</p> <p>The contemplated uses will result in similar rates of employment to the primary permitted uses in the land use designation and are intended to improve the quality of life, access to a diversity of services and reduce dependence on private</p>

Policy	Conformity with the Policy
<p>attractive and functional employment area.</p> <p>b. a zoning by-law amendment will be required to establish complementary uses that exceeds the threshold established for minor variances in a), including standalone complementary uses, and must demonstrate: i the criteria listed above in clause a have been satisfied; ii. will result in similar rates of employment as the primary permitted uses, in accordance with Section 2.3.7; and iii. will not contribute to the fragmentation of continuous employment areas by generally being located at entrances or along edges of continuous employment areas that are visible from arterial or collector roads to assist in the transition between the employment uses and surrounding land uses.</p>	<p>automobiles for employees (present and future) within the employment area. The introduction of the proposed complementary uses will not contribute to the fragmentation of continuous employment areas as the property is located at the edge of a continuous employment area which remains visible from John Counter Boulevard, an arterial road.</p>
<p>3.6.13. On a single land holding equal to or greater than 10 hectares in area and designated for employment uses, complementary uses may be established in advance of a primary permitted use, provided the gross floor area of such complementary uses does not exceed five percent of the site's lot area. The intent of this policy is to accommodate a limited amount of complementary uses that can be an asset in attracting permitted employment uses to a larger single land holding, provide an amenity to employees, and accordingly create a development</p>	<p>No individual lot subject to this zoning by-law amendment is equal to or greater than 10 hectares. The subject property is 1.82 hectares in area and does not qualify under this policy section.</p>

Policy	Conformity with the Policy
that meets the City's objectives for employment lands	
<p>3.6.14. The zoning by-law will establish specific provisions related to land use, setbacks, and lot coverage, for each of the specific Industrial designations identified by this Plan.</p>	<p>The proposed amendment does not propose any changes to the applicable M1 zoning with respect to setbacks and lot coverage of principal uses. Additional complementary use permissions are recommended to modify the permitted uses of the M1 Zone in accordance with sections 3.6.12 and 3.6.A.2. and changes to the setbacks and coverage associated with the future outdoor storage area are contemplated to remain in line with 3.6.A.1.(i) of the Official Plan.</p>
<p>3.6.A.1. The main uses permitted within the Business Park Industrial designation include:</p> <ul style="list-style-type: none"> a. corporate administrative offices and government offices; b. research and development facilities, including laboratories; c. data processing facilities, including call centres; d. technologically advanced manufacturing, fabricating, and assembling operations for the production of high value products; e. administrative, professional and technical services, such as engineering and surveying firms, that support the above uses and are consistent with the image and amenity of a Business Park Industrial setting; f. film or recording studio; g. commercial school or training facility, provided the use is contained within an enclosed building(s); h. the following light industrial uses, provided they are contained within enclosed buildings: 	<p>The recommended zoning by-law amendment has the effect of maintaining the primary permitted business park uses in the M1 zone of the Kingston Zoning By-Law, which implement the uses contemplated under section 3.6.A.1 of the Official Plan. These business park uses are permitted to occupy 100% of the gross floor area on the subject property under the recommended Zoning By-Law amendment, and complementary uses are limited to establishing in a maximum of 49% of the total gross floor area. The zoning by-law amendment to the Business Park Industrial zone would continue to permit the introduction of the uses as identified in Section 3.6.A.1. of the Official Plan.</p>

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<ul style="list-style-type: none"> • manufacturing, repairing, fabricating, processing and assembling operations; • construction and transportation activities and facilities; • storage, warehousing, and wholesale trade activities; and, • communications facilities and utilities. <p>i. accessory outdoor storage, subject to the following criteria, all of which must be satisfied:</p> <ul style="list-style-type: none"> • the outdoor storage use does not front onto or abut a public road; • the area used to accommodate outdoor storage, to be limited in the zoning by-law, is located to the rear or interior side yard of the property, preferably behind the primary building occupying the site; • the outdoor storage use does not abut a lot which contains an existing residential use or lot in a residential zone; • the outdoor storage use does not generate any emissions, dust, or debris that cannot be contained onsite; and, • the outdoor storage area must be screened from view through landscaping and other measures that lessen the visual impact of the use. 	
<p>3.6.A.2. The following uses are permitted as complementary uses within the Business Park Industrial designation:</p> <p>a. office and business services, such as printing and equipment</p>	<p>The recommended zoning by-law amendment establishes additional complementary use permissions in the M1 Zone, which include complementary uses contemplated explicitly and implicitly in accordance with policy 3.6.A.2. For example, personal services such as animal care</p>

Policy	Conformity with the Policy
<p>repair, which are intended to serve the Business Park Industrial area;</p> <p>b. day care facilities and/or places of worship, provided that the sensitive use is compatible with the industrial uses in the area and located in such a manner (e.g., on the periphery of an employment area) so that it does not preclude the development potential of adjacent employment lands;</p> <p>c. hotels and/or conference facilities, including banquet halls, trade show buildings, and similar uses to be defined in the implementing zoning by-law;</p> <p>d. restaurants, drive-through facilities, financial institutions, personal services, medical and paramedical uses, and convenience commercial uses; e. public and private parks and recreation facilities;</p> <p>f. parking lots and structures; and,</p> <p>g. sources of renewable energy, subject to the policies of Section 6.2 of this Plan.</p>	<p>are permitted, and paramedical uses are included such as an animal shelter. These uses are similarly contemplated, and appropriate, in the Employment Service (M4) Zone as uses that would remain compatible with industrial/employment uses and be able to serve the surrounding employment area.</p>
<p>3.6.A.4. New development that is considered incompatible with the Business Park Industrial designation, and is prohibited within the Urban Boundary, include the following:</p> <p>a. automotive wrecking yards; b. scrap and salvage yards (except where such products are recycled as an input to a permitted</p>	<p>Refer to Section 3.6.12.</p> <p>The recommended zoning bylaw amendment does not conflict with the prohibited uses listed in Section 3.6.A.4.</p>

Policy	Conformity with the Policy
<p>employment use on the same site);</p> <p>c. pits and quarries;</p> <p>d. sanitary landfill sites;</p> <p>e. elementary and secondary schools;</p> <p>f. commercial uses except for those complementary uses permitted in the Business Park Industrial designation, and the retail accessory uses permitted in Section 3.6.11 of this Plan; and,</p> <p>g. residential uses, except for caretaker or guard's quarters.</p>	
<p>3.17.9. Any development or infill proposals within the Alcan District are subject to Section 2 of this Plan, the relevant Residential and Industrial policies of Section 3 of this Plan, associated policies, and the following:</p> <p>a. Services and Utilities Policies In addition to the services and utilities policies of this Plan, the provision and expansion of services within the Alcan District are subject to the following:</p> <ul style="list-style-type: none"> • prior to approval of any application for large-scale land division, a master drainage study on a District watershed basis is to be prepared to address the requirements of the City, the Cataraqui Region Conservation Authority, and the Ministry of Natural Resources and Forestry; • the master drainage study referenced above, is to be prepared to guide detailed system design and cost estimation, indicate phasing 	<p>The proposed development is limited with respect to the on-site changes, therefore it is not anticipated that this proposal will result in any impacts to the master drainage study completed for the industrial park. The Servicing Report indicates that the proposal will not increase the flows associated with the sanitary sewage collection system nor the water distribution system that currently services the subject property. The proposed broadened permitted uses are not anticipated to result in a significant increase in vehicular traffic navigating Lappan's Lane to access the subject property from John Counter Boulevard and a significant amount of on-site parking is available through the previous development of the subject lands.</p> <p>No new development is proposed on the subject property through this Zoning By-law Amendment application, therefore no adverse impacts to the wildlife habitat is anticipated. Future on-site development changes may be subject to Site Plan modification approval, which will provide for the opportunity to further access the proposals impact on wildlife habitat.</p>

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<p>alternatives, estimate land dedication for required facilities, address both quantity and quality aspects of stormwater run-off as provided for in this Plan, and examine the incorporation of a variety of methods to treat stormwater run-off;</p> <ul style="list-style-type: none"> • individual developments are to be designed to conform to the master drainage study; • assessment of linkages to the City’s water treatment and distribution and sanitary sewage collection, and treatment systems is required in conjunction with development application review, including new plans of subdivision, to ensure appropriate identification of impacts on existing services and the ability of existing services to accommodate new development; • assessment of expected traffic patterns is required in conjunction with development application review, including new plans of subdivision, to ensure appropriate linkages to the existing City roadway system and appropriate circulation patterns and roadway design within relevant land use areas; • the proposed collector road system illustrated on Schedule 4 is to be designed and constructed in such a manner as to facilitate the development of an internal street pattern within the District, provide direct linkages to the abutting arterial routes, and discourage unimpeded traffic flows through the District, or into 	

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<p>adjacent residential neighbourhoods; and,</p> <ul style="list-style-type: none">• in order to offset the costs of providing services in the District, including the cost of any studies relevant to service provision, Council may consider the implementation of District development charges in accordance with Section 9 of this Plan. <p>c. Wildlife Habitat Policies New development within the Alcan District is subject to the following policy with respect to wildlife habitat: the preservation of tree and shrub species and corridors is considered in the context of project design to provide amenity for future development, and long-term maintenance of local habitat.</p>	

Section 9 – Administration & Implementation

Policy	Conformity with the Policy
<p>9.5.9. When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <ul style="list-style-type: none"> a. conformity of the proposal with the intent of the Official Plan policies and schedules; b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan; c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development; e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas; f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable; 	<p>Refer to Sections 2.1.1 and 2.7.</p> <p>No new development is proposed at this time; however, at a future date a site plan modification will be required for changes to the open storage area and/or future development on the subject property, which are intended to reflect the character of existing development on the site.</p> <p>The current application will not set an undesirable precedent within the municipality as the Official Plan specifically contemplates expanded complementary use permissions in employment areas where criteria detailed above have been met. In review of the proposal against Section 3.6.12., staff consider the proposed uses as appropriate for the subject property.</p>

Policy	Conformity with the Policy
g. the impact on municipal infrastructure, services and traffic; h. comments and submissions of staff, agencies and the public; and, i. the degree to which the proposal creates a precedent.	



Planning Committee

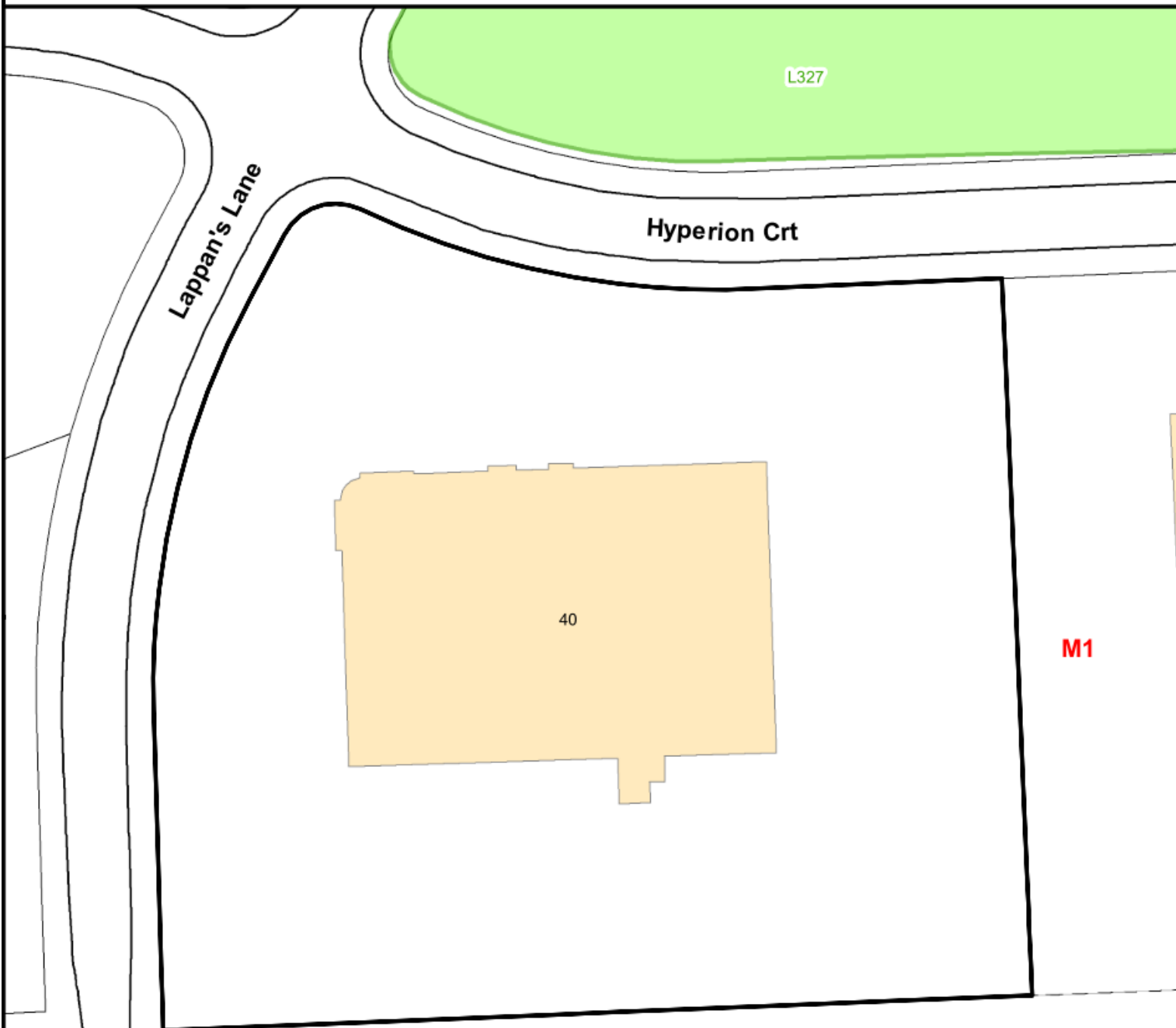
Kingston Zoning By-Law 2022-62

Planning Services

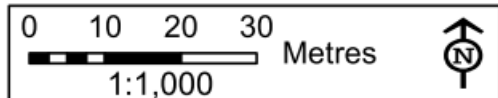
Address: 40 Hyperion Court
File Number: D14-008-2024
Prepared On: Jun-10-2024

Subject Lands
Schedule 1 Zoning Map
Zone

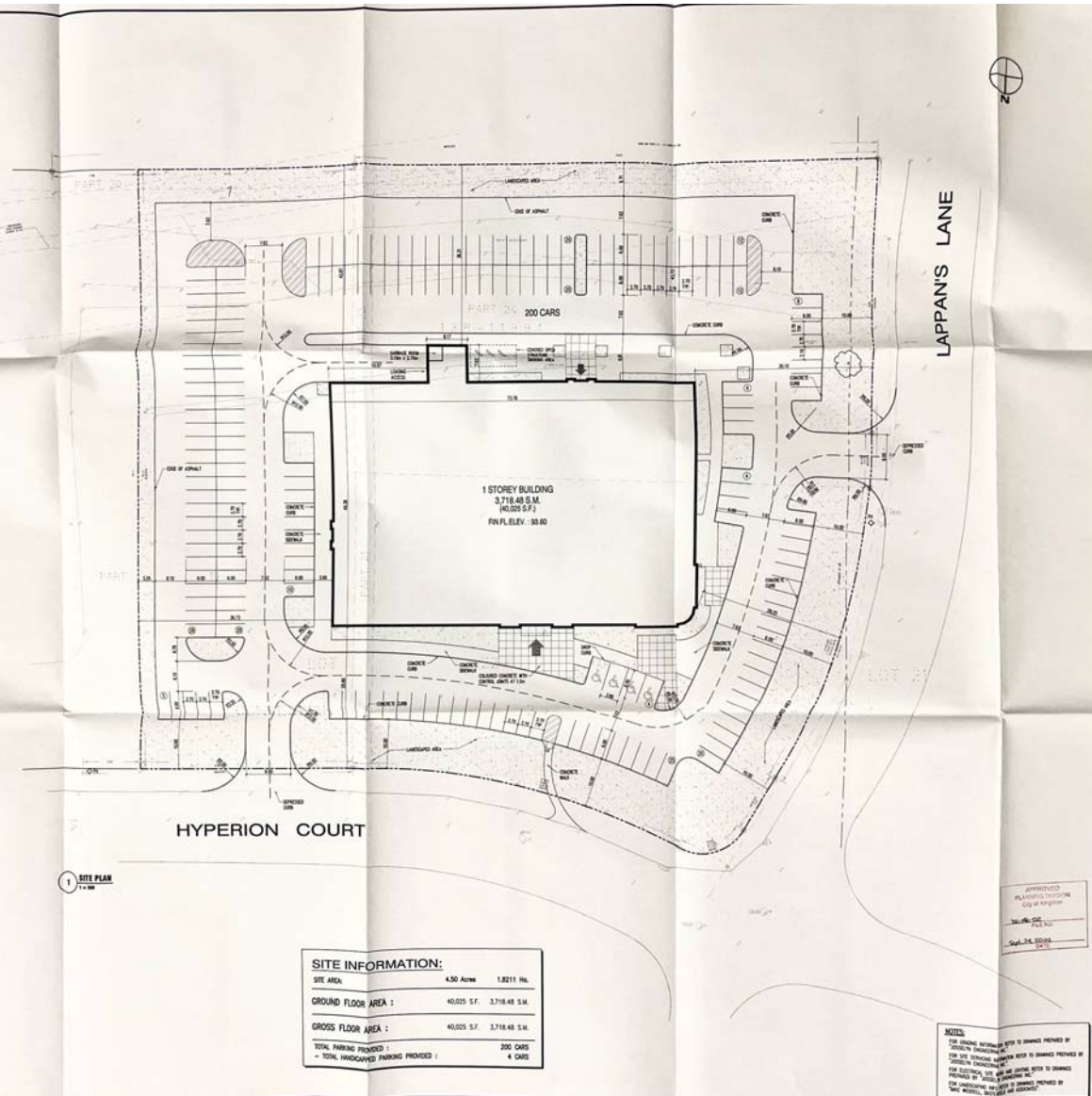
Schedule E - Exception Overlay
Legacy Exceptions (LXXX)
Exceptions (EXXX)
Schedule F - Holding Overlay
Holding Overlay (HXXX)



Prepared By: cbarratt
Prepared On: Jun-10-2024



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1 SITE PLAN
1:100

SITE INFORMATION:		
SITE AREA:	4.50 Acres	1,8211 Ha.
GROUND FLOOR AREA :	40,025 S.F.	3,718.48 S.M.
GROSS FLOOR AREA :	40,025 S.F.	3,718.48 S.M.
TOTAL PARKING PROVIDED :	200 CARS	
- TOTAL HANDICAPPED PARKING PROVIDED :	4 CARS	

LEGEND:

- NEW BUILDING
- NEW CONCRETE CURB & GUTTER
- NEW PAVED DRIVEWAY
- EXISTING CONCRETE CURB AND GUTTER
- TOP / LANDSCAPING
- TRAFFIC PAVED DRIVE
- PROPOSED DRIVEWAY
- LANDSCAPING SHADE
- EXISTING DRIVE DRIVE
- EXISTING DRIVE DRIVEWAY
- PROPOSED DRIVEWAY CONNECTION
- PAVING WIDTHS
- PROPOSED DRIVEWAY
- EXISTING DRIVE

NOTE 1:
ALL PROPOSED DRIVEWAY DRIVE CURB & GUTTER SHALL BE TO BE CONSTRUCTED TO THE ELEVATION OF THE CITY STANDARD.

NOTE 2:
EXISTING DRIVEWAY SHALL BE DIRECTIONAL ONLY FROM WEST TO EAST.

LEGAL DESCRIPTION:
SEE INFORMATION FROM THE SUBMITTER'S TITLE REPORT AND THE CITY OF VICTORIA'S OFFICIAL PLAN OF THE CITY OF VICTORIA. THE LEGAL DESCRIPTION OF THE SITE IS AS FOLLOWS:
SECTION 10, TOWNSHIP 1, RANGE 1, DISTRICT OF VICTORIA, BRITISH COLUMBIA.
SECTION 10, TOWNSHIP 1, RANGE 1, DISTRICT OF VICTORIA, BRITISH COLUMBIA.
SECTION 10, TOWNSHIP 1, RANGE 1, DISTRICT OF VICTORIA, BRITISH COLUMBIA.
SECTION 10, TOWNSHIP 1, RANGE 1, DISTRICT OF VICTORIA, BRITISH COLUMBIA.
SECTION 10, TOWNSHIP 1, RANGE 1, DISTRICT OF VICTORIA, BRITISH COLUMBIA.
SECTION 10, TOWNSHIP 1, RANGE 1, DISTRICT OF VICTORIA, BRITISH COLUMBIA.

NO.	DATE	DESCRIPTION	BY
1	2014-03-20	ISSUED FOR PERMITTING	...
2	2014-03-20	ISSUED FOR PERMITTING	...
3	2014-03-20	ISSUED FOR PERMITTING	...
4	2014-03-20	ISSUED FOR PERMITTING	...

APPROVED
PLANNING DEPARTMENT
CITY OF VICTORIA
Date: 14/03/2014

Site Plan
1:100

RECEIVED
PLANNING DEPARTMENT
CITY OF VICTORIA
Date: 14/03/2014

CALL CENTRE
HYPERION COURT & LAPPAN'S LANE
KINGSTON, ONTARIO
for: **SIGNUM CORPORATION**

PREPARED BY: Dettuff Partnership Architects
280 Don Mills Road West
Toronto, Ontario M2H 3P5
Tel: (416) 491-1111
Fax: (416) 491-1112
E-mail: info@dettuff.com

PROJECT NO.: 2014-03-20
DATE: 14/03/2014
SCALE: 1:100
DATE: 14/03/2014
BY: [Signature]
APP. NO.: 2014-03-20
DATE: 14/03/2014
BY: [Signature]

20156
A-101

Site Photographs – 40 Hyperion Court

D14-008-2024



Figure 1. South facing view of the subject lands along Hyperion Court frontage (photo taken June 18, 2024).



Figure 2. Southeast facing view of the subject lands illustrating vehicular access along Lappan's Lane and the existing on-site landscaping (photo taken June 18, 2024).



Figure 3. East facing view along Lappan's Lane frontage of the subject property demonstrating the existing entrance and paved exterior and front yard parking area (photo taken June 18, 2024).



Figure 4. West facing view interior to the subject property facing towards Lappan's Lane, showing the existing parking area (photo taken June 18, 2024).



Figure 5. Pedestrian connection along the Hyperion Court frontage to the existing paved parking area on the subject property (photo taken June 18, 2024).



Figure 6. Existing conditions of the rear yard of the existing subject property, which shows the loading area for the existing one-storey building (photo taken June 18, 2024).



Figure 6. South facing view of the adjacent property (Novelis Ltd Industrial Area) to the subject property (photo taken June 18, 2024).



Figure 7. Existing building addressed as 31 Hyperion Court located north of the subject property (photo taken June 18, 2024).



Figure 8. Additional employment and commercial opportunities located north of the subject property at 31 Hyperion Court with surface parking area along John Counter Boulevard shown in the image (photo taken June 18, 2024).



Figure 9. Bus stop within walking distance of the subject property located along John Counter Boulevard (photo taken June 18, 2024).



Figure 10. Existing sidewalk along Lappan's Lane, north facing towards John Counter Boulevard, with 61 Hyperion Court shown on the east side of Lappan's Lane (photo taken June 18, 2024).



Figure 11. Existing building addressed as 61 Hyperion Court located northwest of the subject property (photo taken June 18, 2024).



Figure 12. Signage indicating existing employment uses located at 61 Hyperion Court.



Figure 13. Existing building addressed as 26 Lappan's Lane located west of the subject property with Daltco Electric as the current occupant (photo taken June 18, 2024).



Figure 14. Existing building addressed as 20 Hyperion Court located west of the subject property currently occupied by ESG Solutions (photo taken June 18, 2024).



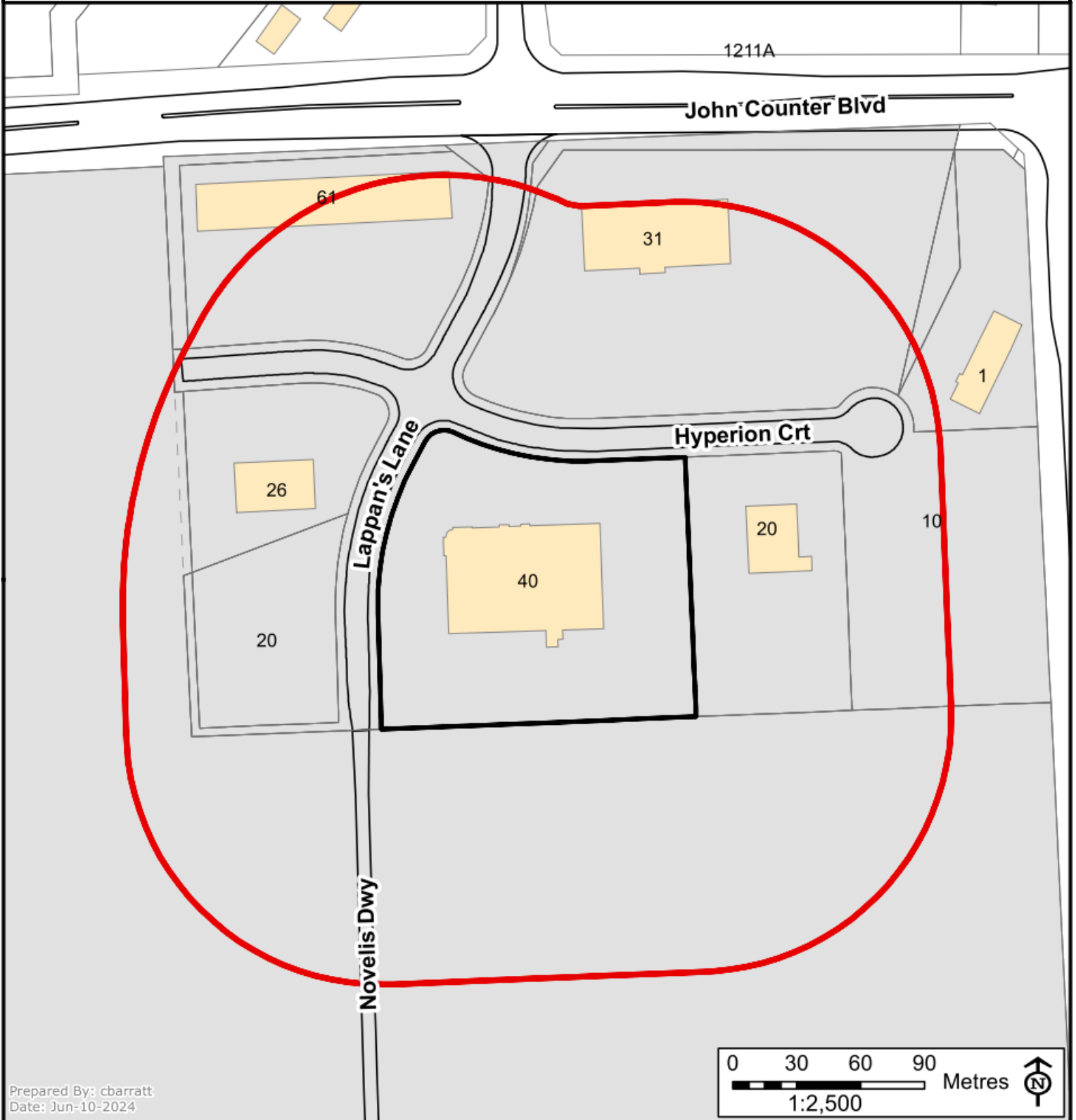
Figure 15. East facing view along Hyperion Court towards walking path that connects with Leroy Grant Trail (photo taken June 18, 2024).



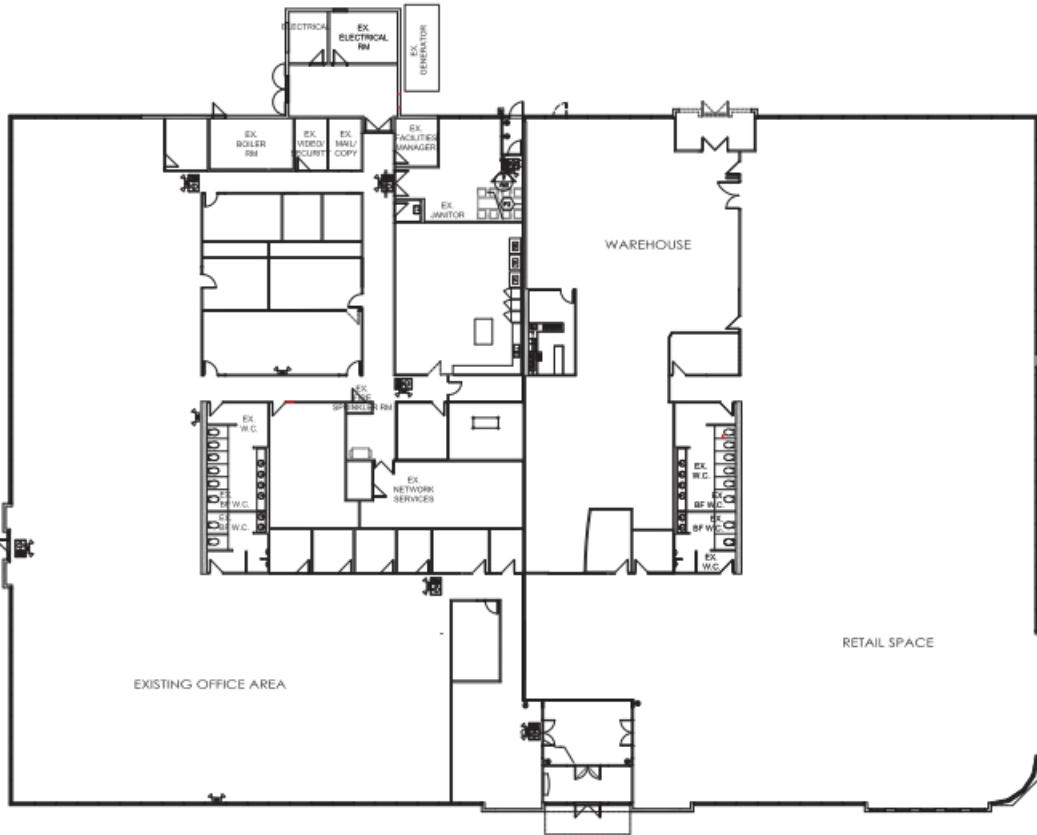
Planning Committee Public Notice Notification Map

Address: 40 Hyperion Court
File Number: D14-008-2024
Prepared On: Jun-10-2024

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



Prepared By: cbarratt
Date: Jun-10-2024



DO NOT SCALE DRAWING
 DESIGN AND CONCEPT ALL INFORMATION PROVIDED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. THESE DRAWINGS HAVE BEEN PREPARED IN CONFORMANCE WITH THE ONTARIO BUILDING CODE.

REV.	DATE	DESCRIPTION
1	2024/11/19	ISSUED FOR COORDINATION
2		
3		

Alexander Wilson
 Architects Inc.
 4450 Yonge Street
 Toronto, Ontario, Canada
 M2H 1A7
 Tel: 416-291-9900



ST. LAWRENCE POOLS
 40 IMPERIAL COURT
 TORONTO, ON

EXISTING FLOOR PLANS

Drawn by	Checked by
Date	Date
Project No.	Sheet No.
	A100

EXISTING FLOOR PLAN
 Scale: 3/8" = 1'-0"

3m Rear Setback Requirement

Area where outdoor storage is permitted

200 CARS

3m Interior Setback Requirement

1 STOREY BUILDING
3,718.46 S.M.
(40,025 S.F.)
FIN FLEEV. : 93.60

LAPPAN'S LANE

HYPERION COURT

1 SITE PLAN
7 - 108

