



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-077**

To: Chair and Members of the Committee of Adjustment
From: Victoria McCutcheon, Planner
Date of Meeting: September 16, 2024
Application for: Minor Variance
File Number: D13-065-2024
Address: 590 and 598 Cataraqui Woods Drive
Owner: Clermont Investments Inc.
Applicant: The Boulevard Group

Council Strategic Plan Alignment:

Theme: 4. Strengthen economic development opportunities

Goal: 4.1 Support new and existing businesses

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 590 Cataraqui Woods Drive and 598 Cataraqui Woods Drive. The applicant is proposing to expand the permitted complementary uses on the subject property to include a wellness clinic, animal care, animal shelter, and recreation facility, in order to assist with securing a tenant for two vacant units at 590 Cataraqui Woods Drive (Units 1 and 2). The application seeks approval to accommodate the aforementioned complementary uses up to a maximum of 25% gross floor area of the existing buildings.

The proposed complementary uses are not permitted in the M2 zone under the current Zoning By-Law 2022-62 or through the M6-19 Red Exception that applies to the subject property. 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 they conform with Section 3.6.12(a) of the Official Plan.

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

Recommendation:

That minor variance application, File Number D13-065-2024, for the property located at 590 Cataraqui Woods Drive, Units 1 and 2, to permit a wellness clinic, animal care, animal shelter, and recreation facility as complementary uses, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62: 16.1.2 Permitted Uses in the Employment Zones (M2)

- Requirement: Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility are not identified as a permitted use in the M2 Zone
- Proposed: Establish Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility as a complementary use
- Variance Requested: Establish Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility as a complementary use in accordance with Section 16.3.2.5

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-077.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Victoria McCutcheon, Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

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Options/Discussion:

On August 28, 2024, a minor variance application was submitted by The Boulevard Group, on behalf of the owner, Clermont Investments Inc., with respect to the property located at 590 and 598 Cataraqui Woods Drive. The variances are requested to enable a wellness clinic, animal care, animal shelter, and recreation facility as complementary uses within the General Industrial (M2) Zone.

The application is seeking to expand the permitted uses applicable to the subject property for the purpose of securing a tenant to occupy two vacant condominium units (Unit 1 and Unit 2) at 590 Cataraqui Woods Drive. The two units occupy 4000 square feet collectively, which would be approximately 13% of the total gross floor area of the two buildings on the subject property.

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

- Floor Plan (Exhibit F)
- Planning Justification
- Servicing Plan
- Owner Authorization

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

Site Characteristics

The subject property is located at 590 and 598 Cataraqui Woods Drive (Exhibit B – Key Map). The property is located within the southern portion of the Cataraqui Estates Business Park and has an area of approximately 1.36 hectares and approximately 70 metres of frontage on Cataraqui Woods Drive, a collector road. There are multiple bus routes that run along Cataraqui Woods Drive with a nearby bus station at the Gardiners Road intersection.

The subject property is currently developed with two standalone buildings containing a total of 24 condominium units (12 units each). 590 Cataraqui Woods Drive has a total gross floor area of approximately 17,500 square feet while 598 Cataraqui Woods Drive has a total gross floor area of 12,500 square feet. The two vacant units are located within the 590 Cataraqui Woods Drive and maintain approximately 4000 square feet collectively. The two buildings accommodate a wide variety of uses including offices, laboratories, light industrial uses, a driving academy, a fitness center, and a bake shop.

The subject property abuts another condominium development to the west which accommodates a similar variety of light industrial and commercial uses. There is a bus and auto service to the east of the property and a larger industrial building located on the other side of Cataraqui Woods Drive (Exhibit C – Neighbourhood Context Map).

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The subject property is designated General Industrial in the Official Plan (Exhibit D – Official Plan Map) and zoned M2 in Kingston Zoning By-Law Number 2022-62. The property is also subject to the site-specific provisions of Red Exception M6-19 (Exhibit E – Zoning By-Law Map).

Planning Act

The review of an application for minor variance(s) is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

Provincial Policy Statement

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

1) The general intent and purpose of the Official Plan are maintained

The subject property is designated General Industrial in the City of Kingston Official Plan (Exhibit D – Official Plan Map). The General Industrial designation is intended to provide convenient locations for manufacturing, wholesale trade, construction, transportation, storage, communications, utilities, and similar uses.

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

A minor variance application may be used to establish complementary uses that occupy up to 25 percent of the total floor area of all buildings located on a parcel of land provided that these uses conform to Section 3.6.12 or 3.6.13, and 3.6.15 of the Official Plan. Permitted complementary uses within the General Industrial area are outlined in Section 3.6.B.2 and include recreation facilities, personal services, convenience commercial uses, medical and paramedical services, office and business service establishments, amongst other uses. As such a wellness clinic, animal care, animal shelter, and recreation facility would be permitted.

The proposed variances will assist with providing a support or service to the employees within the employment area. The subject property is close to lands located within the Regional Commercial designation; however, this designation is not intended to accommodate the proposed complementary uses. The proposed expanded uses will serve

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to attract additional employment opportunities to the area to support employees within the employment area and fill two vacant units within an existing condominium building.

The proposed variances will not hinder or preclude any employment uses from establishing lands in the employment area due to principles of land use compatibility. The proposed uses are not sensitive uses and specific separation distances are not required as per Section 2.7 of the Official Plan. The application also does not involve any physical changes or modifications to the existing site. The existing building and functionality of the site in terms of parking, access, and loading will be maintained. The application pertains primarily to interior changes to Unit 1 and Unit 2 at 590 Cataraqui Woods Drive.

The property is located within the urban boundary and has adequate access to municipal water and sewage services as has been demonstrated by the servicing plan provided. The proposed change is also not expected to set an undesirable precedent for the immediate area as the change is minor and will serve to support employees within the employment lands.

The proposal meets the intent of the Official Plan, as the proposed complementary uses will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned M2 in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The M2 zone permits a wide variety of industrial uses alignment with the General Industrial land use designation including manufacturing, wholesale, transportation activities, workshops, and storage facilities. Heavy industrial uses are not permitted within the M2 zone.

The subject property is also subject to the site-specific provisions of the M6-19 Red Exception which permit an accessory retail use and accessory wholesale establishment.

The proposal requires the following variances to Section 16.1.2 to allow for a wellness clinic, animal care, animal shelter, and recreation facility as complementary uses in accordance with Section 16.3.2.5 of the Kingston Zoning By-Law:

Variance Number 1:

By-Law Number 2022-62: 16.1.2 Permitted Uses in the Employment Zones (M2)

Requirement: Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility are not identified as a permitted use in the M2 Zone

Proposed: Establish Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility as a complementary use

Variance Requested: Establish Wellness Clinic, Animal Care, Animal Shelter, and Recreation Facility as a complementary use in accordance with Section 16.3.2.5

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The permitted uses within the General Industrial (M2) zone include a variety of low to medium-impact employment uses. The aforementioned minor variances would seek to permit a wellness clinic, animal care, animal shelter, or recreation facility as complementary uses, occupying less than 25% of the total gross floor area of the two buildings on site. Section 16.3.2.5 of the Kingston Zoning By-Law contemplates the addition of complementary uses through a minor variance application, in accordance with the Official Plan policies and the provisions of the Planning Act.

The proposed uses are not sensitive uses nor are they anticipated to negatively impact existing or future employment uses on the property. Units 1 and 2 occupy 4000 square feet of the existing buildings or approximately 13% of the total gross floor area. This addition would help to ensure that a wider variety of tenants are able to occupy the vacant units while ensuring that the existing building footprint is maintained.

3) The variance is minor in nature

The variances are considered minor as the General Industrial (M2) zone contemplates the addition of complementary uses in accordance with Official Plan and Planning Act policies. The applicant has demonstrated that there are no anticipated negative impacts in accommodating these uses on site. The only proposed changes are internal within Unit 1 and 2 of the existing buildings.

The addition of a wellness clinic, animal care, an animal shelter, or a recreation facility would not be considered sensitive uses and would not introduce impacts such as noise, dust, or vibration that would be incompatible with the existing and surrounding uses.

4) The variance is desirable for the appropriate development or use of the land, building or structure

The variances are desirable and appropriate use of the land as they will facilitate the development of uses that are complementary to the existing employment uses on the subject property and in the surrounding area. The functionality of the site with regard to vehicle parking and loading will remain unchanged. The existing high-quality streetscape that is characteristic of the Cataraqui Estates Business Park will also be maintained.

The variances will help to facilitate a complementary use that will support and service employees within the employment lands while ensuring that the vacant units can be better utilized. The property is not designated under the Ontario Heritage Act and the application will not set an undesirable precedent for the area.

Technical Review: Circulated Departments and Agencies

- Building Services
- Engineering
- Heritage Services
- Public Works
- Utilities Kingston
- Transportation Services
- Fire & Rescue
- Kingston Hydro
- Environment Division

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- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering | <input checked="" type="checkbox"/> Heritage Services |
| <input checked="" type="checkbox"/> Solid Waste | <input type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input type="checkbox"/> Municipal Drainage | <input type="checkbox"/> Parks of the St. Lawrence |
| <input type="checkbox"/> CRCA | <input type="checkbox"/> KFL&A Health Unit | <input type="checkbox"/> Trans Northern Pipelines |
| <input type="checkbox"/> Parks Canada | <input type="checkbox"/> Eastern Ontario Power | <input type="checkbox"/> CFB Kingston |
| <input type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input type="checkbox"/> Kingston Airport | | |

Technical Comments

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

Public Comments

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

Previous or Concurrent Applications

There are no concurrent or relevant historic planning applications on the subject property.

Conclusion

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

Approval of this application to permit a wellness clinic, animal care, animal shelter, and recreation facility as complementary uses will enable the owners of the subject property to secure tenants for the vacant units of the existing buildings. This application will serve to support the employees of the Cataraqui Estates Business Park and provide a wider variety of employment opportunities on the subject property.

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Existing Policy/By-Law:

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

Provincial

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on September 16, 2024 Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 19 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit H – Public Notification Map).

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

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Victoria McCutcheon, Planner, 613-546-4291 extension 3237

Other City of Kingston Staff Consulted:

None

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Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2024)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Floor Plan
- Exhibit G Site Photos
- Exhibit H Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-065-2024, to permit a wellness clinic, animal care, animal shelter, and recreation facility as complementary uses, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to enable a wellness clinic, animal care, animal shelter, and recreation facility as complementary uses to the General Industrial (M2) Zone in Kingston Zoning By-Law 2022-62 as shown on the approved drawings attached to the notice of decision.

2. No Adverse Impacts

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

3. Building Permit Application Requirements

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

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

4. Standard Archaeological Condition

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

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

5. Maximum Floor Area

The requested complementary uses will be limited to a maximum of 13% of the gross floor area of the buildings on the property, contained within Units 1 and 2 of 590 Cataraqui Woods Drive, as shown on the approved drawings attached to the notice of decision.


6. Utilities Kingston- Discharger Information Report

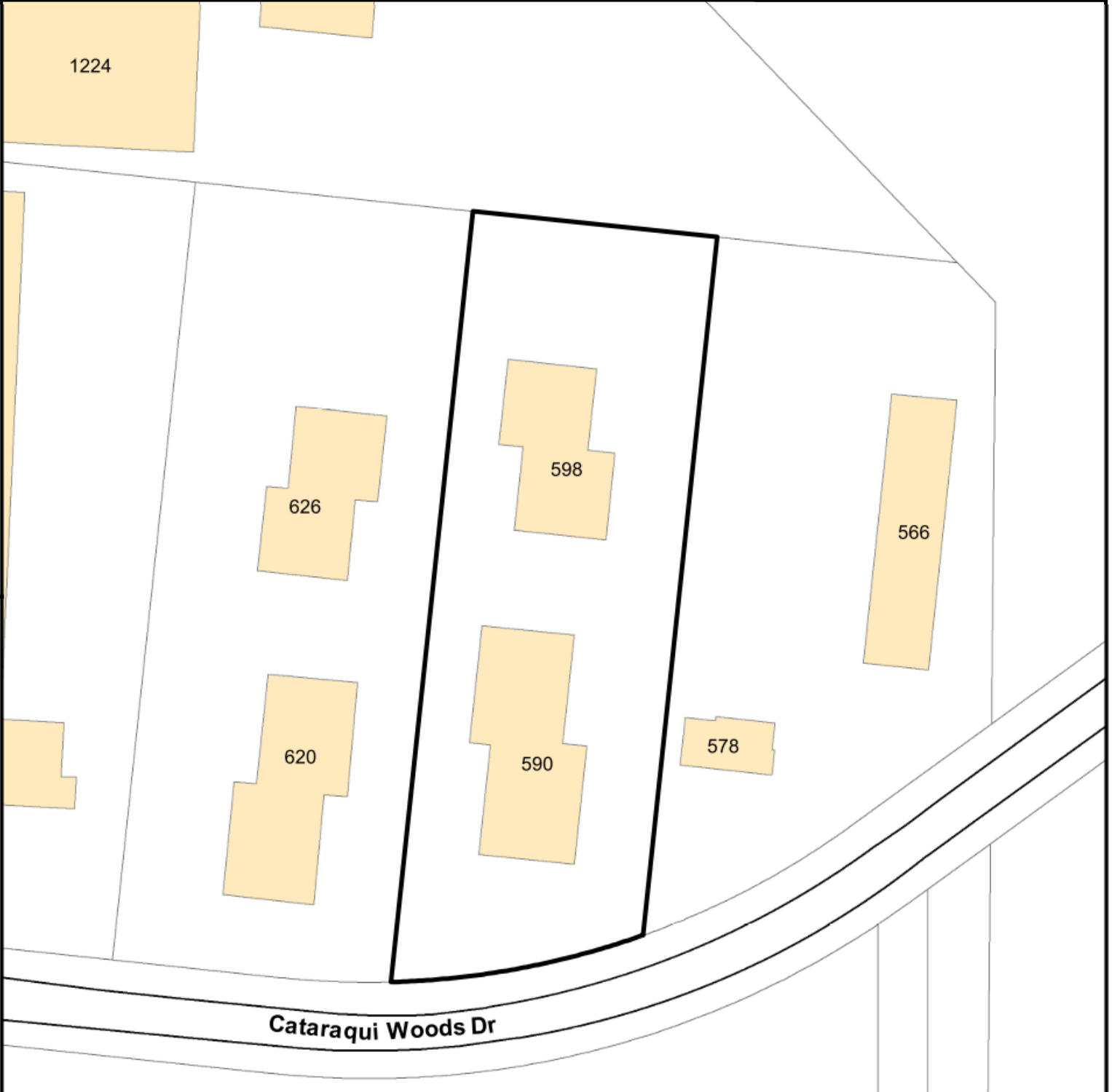
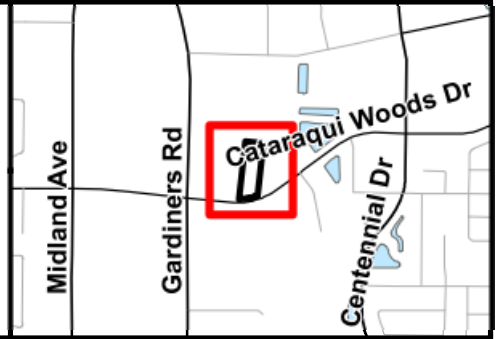
The submission of a Sewer Use By-Law Part 7 – Discharger Information Report (short version) is required for industrial, institutional or commercial developments. Please submit to the contact on the form as well as upload to the application in DASH.



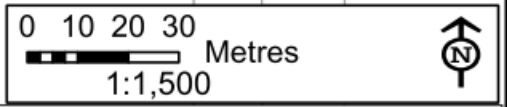
Committee of Adjustment Key Map

Address: 590 Cataraqui Woods Drive
File Number: D13-065-2024
Prepared On: Aug-30-2024

 Lands Subject to Minor Variance



Prepared By: cbarratt
Prepared On: Aug-30-2024



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Planning Services

Committee of Adjustment Neighbourhood Context

Address: 590 Cataraqui Woods Drive

File Number: D13-065-2024

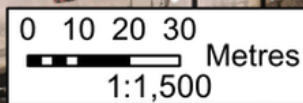
Prepared On: Aug-30-2024

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



Cataraqui Woods Dr

Prepared By: ebarratt
Prepared On: Aug-30-2024



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

Planning Services

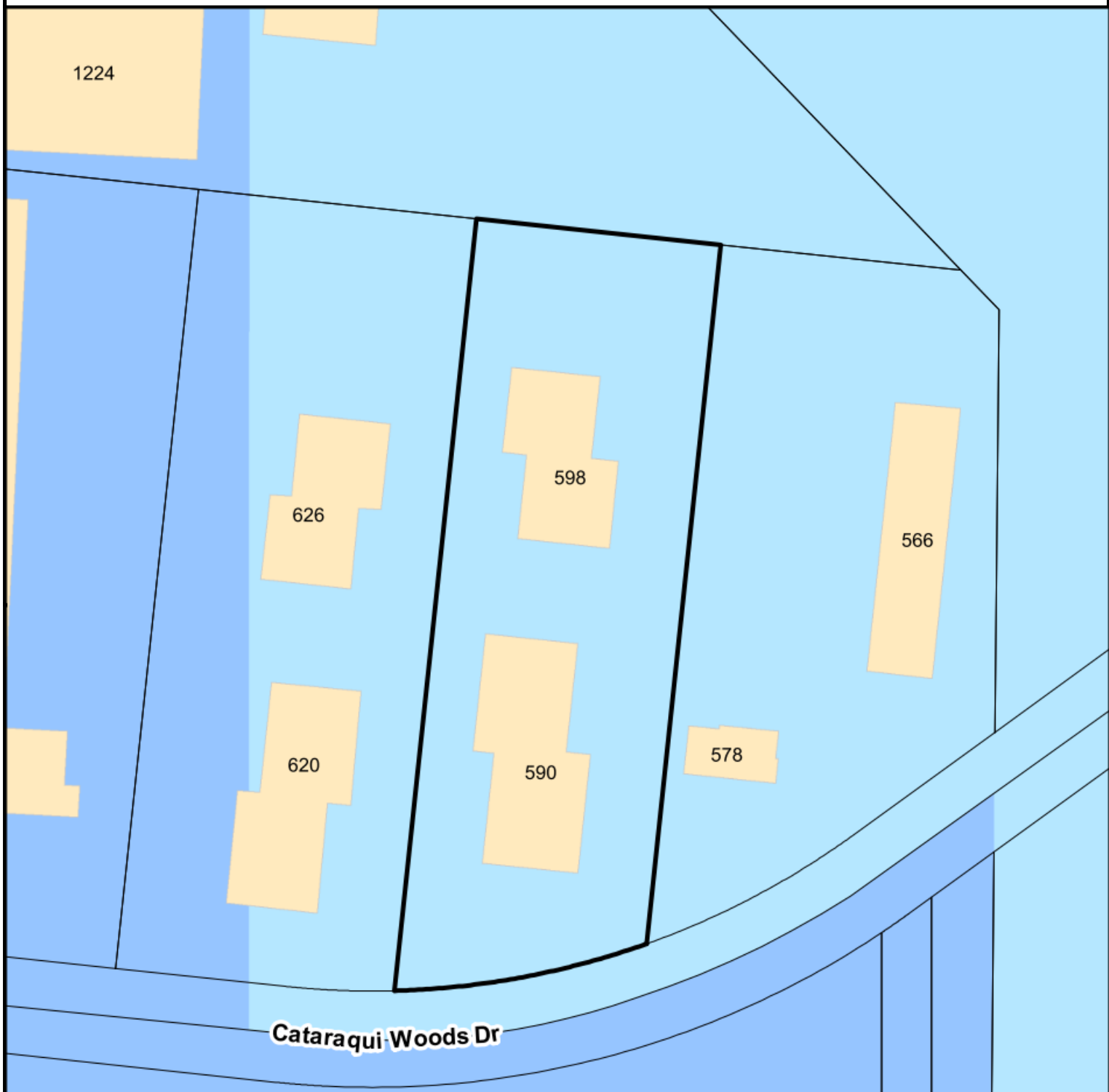
Committee of Adjustment
Official Plan, Existing Land Use

Address: 590 Cataraqui Woods Drive

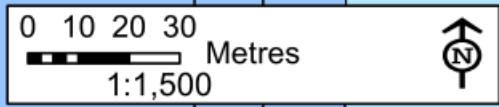
File Number: D13-065-2024

Prepared On: Aug-30-2024

-  Subject Lands
-  BUSINESS PARK INDUSTRIAL
-  GENERAL INDUSTRIAL



Cataraqui Woods Dr



Prepared By: cbarratt
Prepared On: Aug-30-2024

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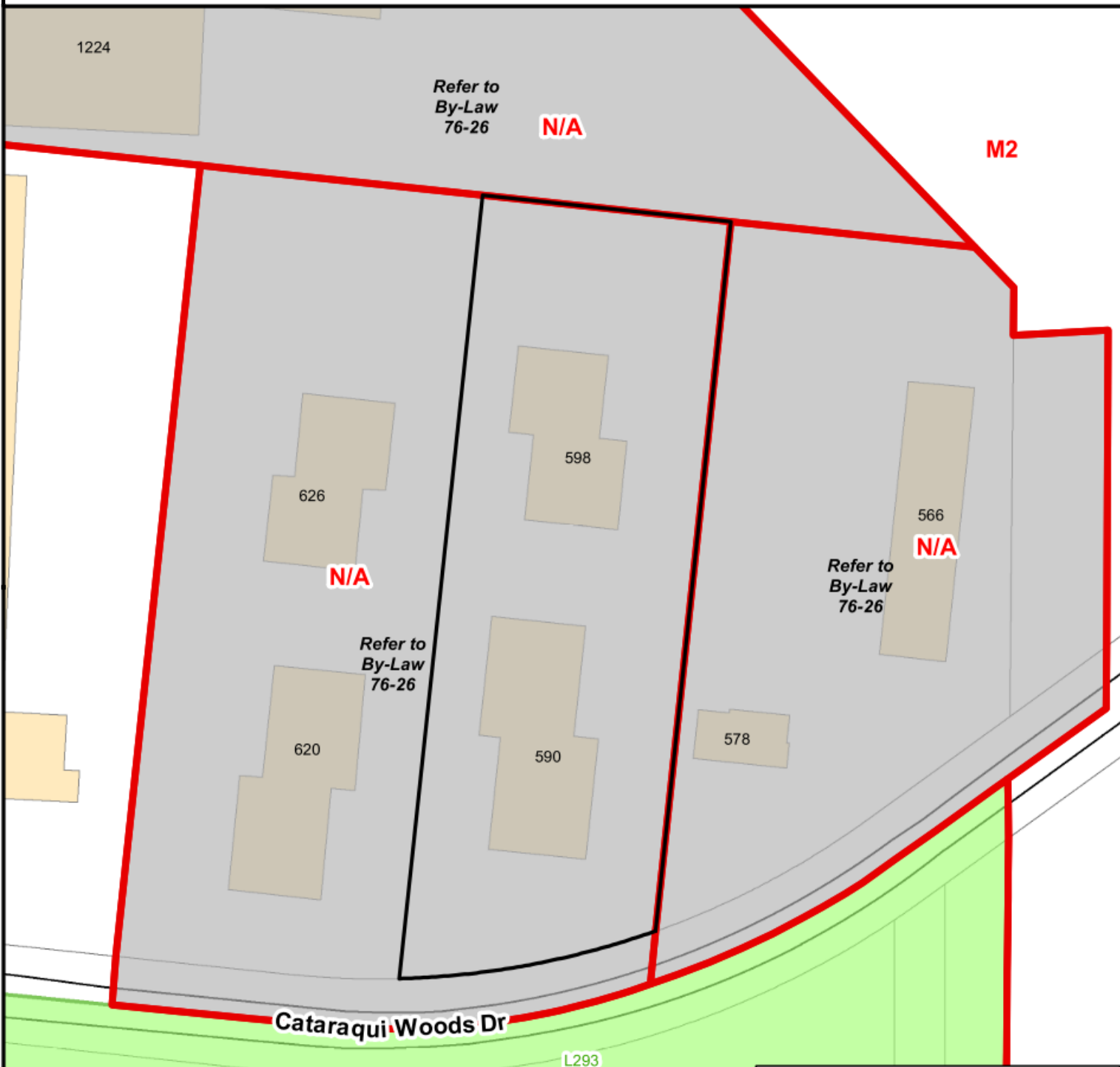


Planning Services

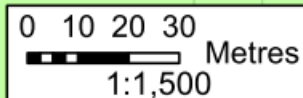
Planning Committee Existing Zoning Kingston Zoning By-Law 2022-62

Address: 590 Cataraqui Woods Drive
File Number: D13-065-2024
Prepared On: Aug-30-2024

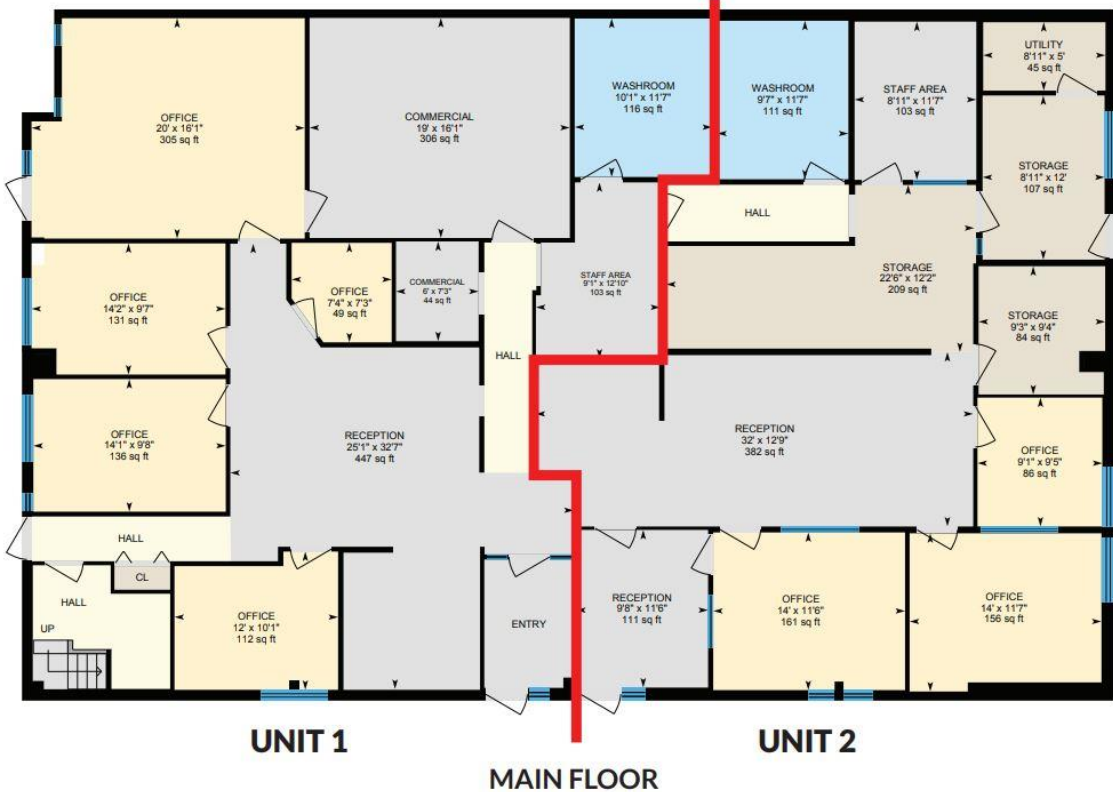
- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- HoldingOverlay (HXXX)



Prepared By: cbarratt
Prepared On: Aug-30-2024



FOR SALE 590 CATARAQUI WOODS DRIVE, UNIT 1 & 2



Site Photographs- September 3, 2024



Figure 1- 590 Cataraqui Woods Drive- Front



Figure 2- 620 Cataraqui Woods Drive- Adjacent Property



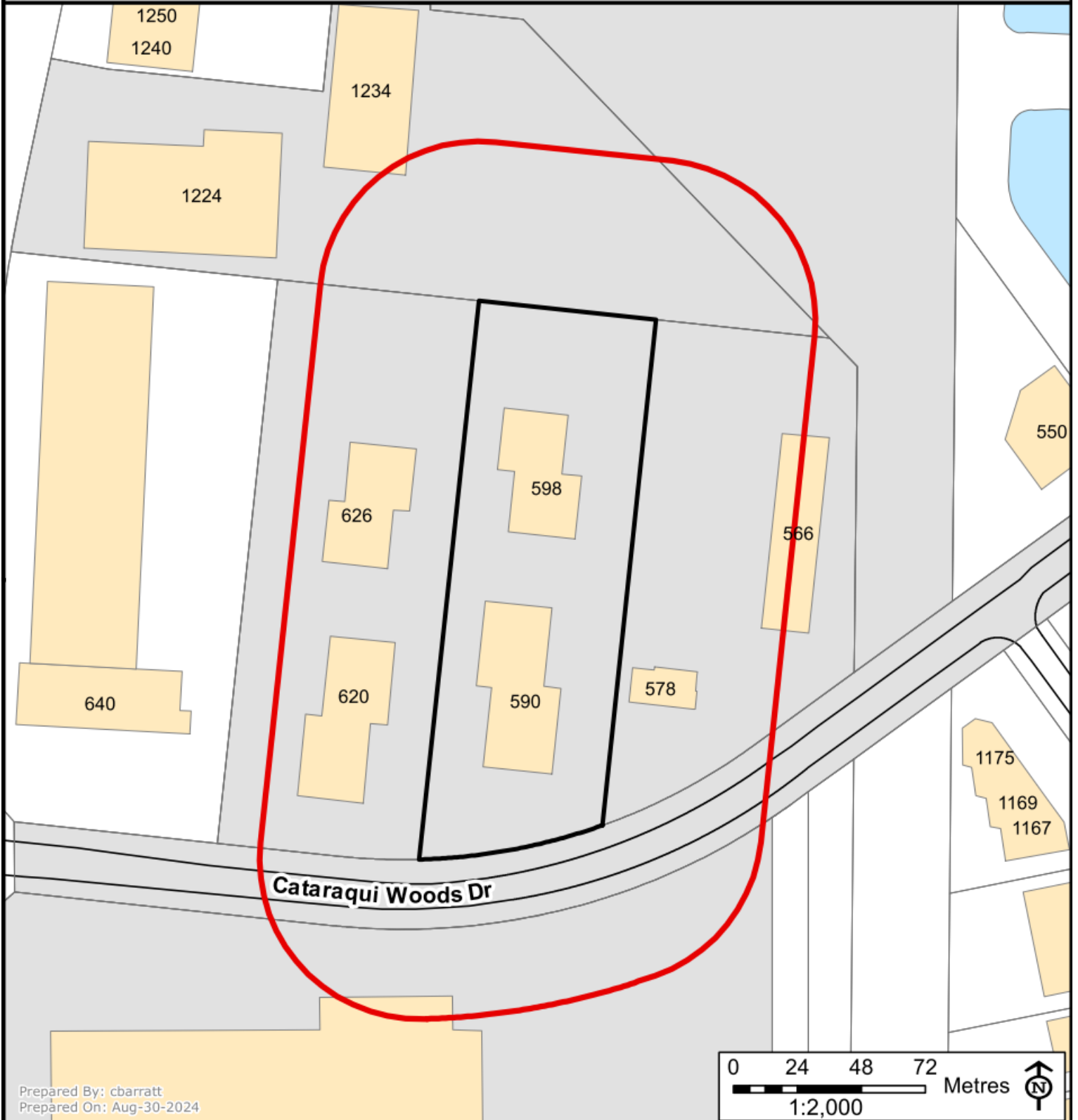
Figure 3- View Across the Street- Industrial Building



Committee of Adjustment Public Notice Notification Map

Address: 590 Cataraqui Woods Drive
File Number: D13-065-2024
Prepared On: Aug-30-2024

- 60m Public Notification Boundary
- Subject Lands
- Property Boundaries
- 6 Properties in Receipt of Notice (MPAC)



Prepared By: cbarratt
Prepared On: Aug-30-2024

