



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-093**

To: Chair and Members of the Committee of Adjustment
From: Amy Didrikson, Senior Planner
Date of Meeting: November 18, 2024
Application for: Minor Variance
File Number: D13-039-2024
Address: 2267 – 2271 Princess Street
District: District 8 - Meadowbrook-Strathcona
Owner: 1000296271 Ontario Inc.
Applicant: N Architecture Inc.
Subject: Supplemental Report to COA-24-057

Council Strategic Plan Alignment:

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.3 Diversify Kingston's economic base.

Executive Summary:

This Supplemental Report has been prepared following a deferral of a recommendation regarding the above-noted application at the July 15, 2024 Committee of Adjustment meeting.

Public correspondence submitted leading to the July 15, 2024 meeting highlighted the presence of an apartment dwelling unit in the commercial complex on the east adjacent property at 2263 Princess Street. This sensitive use had not been taken into consideration as part of the Noise Impact Study submitted in support of the variance application seeking relief from the interior (east) setback requirement.

A new Noise Impact Study report has been submitted by the applicant that incorporates an assessment of potential noise impacts on this sensitive use and makes recommendations to

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address potential noise impacts. A revised site plan is included with the Noise Impact Study that includes additional mitigation measures to meet Provincial noise criteria (i.e. a 2.0 metre high noise wall along the east side of the drive through aisle). After a technical review of the submitted information, Planning staff are bringing forward a supportive recommendation on the minor variance application.

Recommendation:

That minor variance application, File Number D13-039-2024, for the property located at 2267 – 2271 Princess Street to reduce the minimum east interior setback, the minimum rear setback and the minimum drive aisle width requirement to enable a proposed commercial development comprising a service station with convenience store and drive-through restaurant and multi-unit retail building, be approved, as described below:

Variance Number 1: Minimum Interior Setback (east)

By-Law Number 2022-62: Row 7, Table 15.6.1

Requirement: 9.1 metres for a service station

Proposed: 7.1 metres for a service station

Variance Requested: 2.0 metres;

Variance Number 2: Minimum Rear Setback

By-Law Number 2022-62: Row 5, Table 15.6.1

Requirement: 7.5 metres

Proposed: 2.0 metres

Variance Requested: 5.5 metres;

Variance Number 3: Minimum Drive Aisle Width for Perpendicular Parking Space

By-Law Number 2022-62: Row 3, Table 7.4.1

Requirement: 6.7 metres

Proposed: 6.0 metres

Variance Requested: 0.7 metres; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to [Report Number COA-24-057](#) COA-24-057.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Amy Didrikson, Senior Planner

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

Tim Park, Director, Planning Services

James Bar, Manager, Development Approvals

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Options/Discussion:

On May 22, 2024, a minor variance application was submitted by N Architecture Inc., on behalf of the owner, 1000296217 Ontario Inc., with respect to the property located at 2267 – 2271 Princess Street. The details of this variance application have been previously outlined in [Report Number COA-24-057](#) and included on the agenda for the July 15, 2024 Committee of Adjustment meeting.

Following public notice being issued for the July 15, 2024 Committee of Adjustment meeting, the applicant and City staff received feedback from the owner of 2263 Princess Street highlighting the presence of an apartment dwelling unit at this east adjacent property. The presence of this sensitive use had not been identified or considered in the Noise Impact Study supporting the minor variance application. It was subsequently verified with Building Services staff that an apartment dwelling unit has historically and continuously existed at 2263 Princess Street, in the commercial complex now known as the Beamish Corporate Centre.

Upon review of this additional information, the applicant has submitted a new Noise Impact Study that evaluates potential noise impacts on this adjacent sensitive use and recommends mitigation measures to ensure Provincial Noise Criteria are met. These mitigation measures include modifications to the site plan such as a 2.0 metre high noise wall that is proposed along the drive through lane, setback approximately 3.0 metres from the east property line (Exhibit A). A 1.0 metre high parapet is also proposed on the roof of the commercial building to mitigate noise from rooftop HVAC equipment.

Staff have prepared this Supplemental Report which recommends approval for initially requested variances based on the additional supporting information received. There are no changes to the proposed setbacks as a result of the additional analysis completed by the applicant.

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

- Site Plan;
- Planning Justification;
- Architectural Elevations;
- Landscaping Plans;
- Noise Impact Study, prepared by WSP dated May 6, 2024;
- Noise Impact Study, prepared by YCA Engineering Limited dated October 2024; and,
- Heritage Impact Statement.

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.

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Site Characteristics

For a complete description of site characteristics for the subject property, please refer to [Report Number COA-24-057](#). A revised description of the east-adjacent property at 2263 Princess Street is provided below.

To the east of the subject site is a commercial property, designed under Part IV of the Ontario Heritage Act. The designated property contains the William and Mary 'Beamish House', a two-storey limestone house with attached carriage house and stone barn, constructed in 1850. The Beamish House was designed by William Coverdale, a well-known Kingston architect. The buildings on this designated heritage property contain predominantly non-residential uses, with the exception of an upper storey, apartment dwelling unit.

Provincial Planning Statement

No changes are proposed through this report that impact the Provincial Planning Statement. Please refer to [Report Number COA-24-057](#) for details.

Minor Variance Application

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

The general intent and purpose of the Official Plan are maintained

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

The subject property is designated Arterial Commercial in the City of Kingston Official Plan. According to section 3.4.E.1 of the Official Plan, permitted uses in the Arterial Commercial designation include a range of services that cater to the travelling public, including automotive uses such as gas bars and service stations. Limited convenience commercial goods and services are also permitted in accordance with the applicable zoning. The proposal includes a service station with a convenience store and drive through restaurant fronting onto Princess Street, with a retail development to the rear. The proposed uses are consistent with the uses contemplated for the Arterial Commercial land use designation.

The subject property is identified as being within the Princess Street Corridor Specific Policy Area, as shown on Schedule 2 and Schedule 13 of the Official Plan (Section 10E). In this area, site-specific policies apply to direct development to be compact with a mix of uses, providing support for transit, infrastructure, and increased levels of economic activity in a pedestrian-oriented setting. The proposed development includes a mix of commercial uses and

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incorporates delineated walking paths throughout the site plan, connected to sidewalks along Princess Street, consistent with the vision for development in the Princess Street corridor.

As demonstrated through the Noise Impact Study dated October 2024, the proposed development will be compatible with surrounding sensitive land uses including the adjacent apartment dwelling unit at 2263 Princess Street. The Noise Impact Study evaluated noise associated with stationary noise sources including rooftop HVAC equipment which would be present on the retail development with the reduced rear setback, and noises associated with the drive-through operating on the east side of the property with a reduced interior setback. The Study concludes that the sound levels generated by the proposed development are predicted to comply with the Provincial sound limit levels with the inclusion of noise attenuation features and subject to specific recommendations regarding operation of the development. Detailed design measures and conditions to ensure the Noise Impact Study conclusions remain applicable will be pursued through the Site Plan Control process.

According to Schedule 9 of the Official Plan, the subject property is located in the “Cataraqi Village” Heritage Character Area. Policy in the Official Plan highlights this area as having a specific heritage character worthy of further investigation as potential heritage conservation districts. Due to the adjacent Part IV designated heritage property at 2263 Princess Street, a Heritage Impact Statement was submitted with the subject application and as part of the associated Site Plan Control application in accordance with section 7.1.7 and 9.5.19. e. of the Official Plan.

As demonstrated through the submitted Heritage Impact Statement (HIS), the proposed development with reduced interior east setback will be compatible with the east adjacent heritage property. The Heritage Impact Statement concludes that the overall low-profile of the development in combination with the generous setbacks from the front property line ensures that visual prominence of the Beamish House is maintained along Princess Street. Specific recommendations from the HIS with respect to lighting, landscaping and maintaining views through the to the Beamish house (through the elimination of fencing where possible) will be implemented through the Site Plan Control application.

Heritage staff have reviewed the proposed noise attenuation fencing recommended by the new Noise Impact Study, which would be located along the east side of the drive through aisle, setback approximately 3 metres from 2263 Princess Street. As noted in the HIS, the current views looking east towards the Beamish House were historically obscured by adjacent buildings that have recently been demolished. The HIS encourages maintaining current visibility where possible. As such, Heritage staff have recommended as part of the future Site Plan Control application that additional ornamental fencing be eliminated beyond the north limits of the noise attenuation fence to maintain views, where possible, to the Beamish House.

The proposed site configuration conforms to design criteria established for Arterial Commercial development under 3.4.E.6. of the Official Plan, which emphasizes the need for compatibility between adjacent developments, and the importance of landscaped buffering between parking

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areas and the sidewalk. The proposal includes planting beds along the frontage of Princess Street, and in front of parking spaces proposed along the west property line.

The proposed site configuration for the commercial development will maintain the ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles and meeting accessibility requirements. The reduced rear setback maintains adequate distance from the lot line to incorporate access behind the retail development and facilitate maintenance of the building. The loading area for the retail development is located on the south east corner of the property, screened from view from the public road allowance. The reduced drive aisle width at the rear of the site will not negatively affect the functionality of the parking area as discussed further below.

With respect to servicing, the proposed development is within the Urban Boundary on full municipal services. The proposed development is undergoing a Site Plan Control application process (City File Number D11-008-2023) where information with respect to servicing is reviewed by Utilities Kingston as part of the ongoing technical review of the application. No servicing capacity concerns have been identified as part of the ongoing technical review.

Having regard to the above, the impact of the variances are expected to be minor and would not create an undesirable precedent for the area with the application most appropriately addressed through a Minor Variance rather than a Zoning By-law Amendment. Recommended conditions are listed in "Exhibit A - Recommended Conditions", attached to [Report Number COA-24-057](#). Conditions may be added, altered or removed at the Committee's discretion.

The application maintains the general intent and purpose of the Official Plan, as the proposed commercial development enabled by the variances is consistent with development envisioned within the Arterial Commercial designation, in the Princess Street Corridor, will be compatible with adjacent development, will maintain a functional site layout and will not result in any negative impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned CG (General Commercial) in Kingston Zoning By-Law Number 2022-62 and is subject to Legacy Exception Overlay L46. The CG zone permits the proposed uses, being a service station, restaurant and retail store. The L46 exception also permits a hotel use, in addition to the permitted uses of the CG zone.

The proposal requires variances to the minimum required east interior setback, the minimum rear setback and the minimum drive aisle requirement for a perpendicular parking space, as outlined below.

Variance Number 1: Minimum Interior Setback (east)

By-Law Number 2022-62:Row 7, Table 15.6.1

Requirement: 9.1 metres for a service station

Proposed: 7.1 metres for a service station

Variance Requested: 2.0 metres

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The Kingston Zoning By-law includes a minimum interior setback for a service station of 9.1 metres, which applies from the east property line and the west property line of the subject property. The setback applicable to the service station applies not only to the gasoline pumps and canopy but to the associated building containing the convenience commercial store and restaurant. The proposed minimum interior setback is 7.1 metres, which is the minimum distance to the “bump out” associated with the drive-through dispensing window. It is notable that the majority of the main wall of the building associated with the service station is setback 8.2 metres from the east interior property line. The variance permitted in this case is limited to the site configuration and extent of the commercial building illustrated on the site plan in “Exhibit F – Conceptual Site Plan”, attached to [Report Number COA-24-057](#).

In the General Commercial zone, for all permitted uses except a service station, the interior side yard setback is 0 metres where the adjacent property is in a commercial zone. A service station is subject to a 9.1 metre minimum interior setback, which is intended to provide a buffer from this use which can have associated odour, lighting and noise impacts. It’s important to note that the location of the service station building enabled by this variance does not include any fuel pumps or elements of a service station that would typically require additional buffering, such as an oil change facility or vehicle repair station. The drive-through in the east side yard will also incorporate the minimum required 3.0 metre planting strip required under section 4.7.2.1. of the Kingston Zoning By-Law along the portion of the lot line that abuts the residential use at 2263 Princess Street.

The reduction to the minimum required setback for a service station meets the intent of the Kingston Zoning By-law, as the location of the commercial building enabled by this variance, incorporating the sale of convenience commercial goods and food, will not result in undue adverse impacts related to noise, lighting or odour.

Variance Number 2: Minimum Rear Setback

By-Law Number 2022-62: Row 5, Table 15.6.1

Requirement: 7.5 metres

Proposed: 2.0 metres

Variance Requested: 5.5 metres

The Kingston Zoning By-law requires a minimum 7.5 metre rear setback for all uses in the General Commercial zone, which is intended to facilitate a loading area and deliveries at the rear of sites and to minimize potential impacts nearby sensitive uses in terms of lighting, litter, noise, odours or commercial deliveries through buffering. It is also intended to allow area for maintenance to buildings and associated HVAC equipment.

Due to the unique configuration of the site, there is an opportunity in this case to provide the one required loading space for the rear, retail building in the side yard of the building, screened from the street from intervening development and landscaping. As a result, a rear loading area is not required. A 7.5 metre rear yard setback is provided from the proposed garbage enclosure at the terminus of the loading space, at the rear of the site, providing a buffer between adjacent properties. The proposal includes a staggered building to incorporate minimum 2.0 metre wide

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setback at the rear that will facilitate access around the building for maintenance and functionality.

The submitted Noise Impact Study evaluated noise associated with stationary noise sources including rooftop HVAC equipment which would be present on the rooftop of the retail development with the reduced rear setback and concludes that the sound levels generated by the proposed development are predicted to comply with the Provincial sound limit levels.

Having regard to the above, the reduced rear yard setback will meet the intent of the requirement in the Kingston Zoning By-law.

Variance Number 3: Minimum Drive Aisle Width for Perpendicular Parking Space

By-Law Number 2022-62: Row 3, Table 7.4.1

Requirement: 6.7 metres

Proposed: 6.0 metres

Variance Requested: 0.7 metres

The minimum drive aisle width for perpendicular spaces in the Kingston Zoning By-Law is intended to ensure a functional parking area where vehicles can maneuver in and out of parking spaces. The site layout proposed for the commercial development includes a 6.0 metre drive aisle at the rear of the site, providing access to 17 perpendicular parking spaces. The remaining 27 perpendicular parking spaces on the site are accessed by a 6.3 metre wide drive aisle.

It is notable that the Legacy Exception Overlay (L46) applicable to the site permitted a minimum 6.0 metre drive aisle for a hotel development on the subject property, with parking spaces having minimum dimensions of 5.2 metres long by 2.6 metres wide. The parking spaces in the subject application are a minimum dimension of 5.5 metres long by 2.6 metres wide.

The applicant has demonstrated through vehicle maneuvering diagrams on the site plan drawing package that the larger trucks and vehicles associated with the service station and deliveries and waste collection for the retail units can maneuver safely within the parking area. There are no concerns with the ability of a standard vehicle requiring parking on the site to maneuver within the parking area given the drive aisles are “single loaded” and the provision of a minimum 6.0 metre drive aisle. As a result, the reduction to the minimum drive aisle width meets the intent of the Kingston Zoning By-law for the proposed commercial development.

In summary, the requested variances maintain the general intent and purpose of the zoning by-law.

The variance is minor in nature

The variances are considered minor as they will not impact the compatibility or functioning of the proposed commercial development. The applicant has demonstrated that the proposed site plan configuration, subject to an active Site Plan Control application, will not result in adverse effects

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to the adjacent properties or uses with the implementation of detailed design measures such as noise attenuation fencing, and strategic location of lighting and plantings.

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

The relief sought is appropriate given the overall intent of the Arterial Commercial designation in the Princess Street Corridor by enabling commercial uses in a compact form that mitigates potential impacts on the adjacent heritage property, as demonstrated through the submitted HIS, and sensitive uses in proximity, as demonstrated through the new Noise Impact Study dated October 2024. The parking area and site circulation has been well developed to ensure functionality and access for vehicles, larger trucks, as well as pedestrians and bikes.

The variance is desirable and appropriate use of the land.

Technical Comments

The new Noise Impact Study was circulated to Engineering and Heritage Services 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

Below is a summary of public comments received to-date. All original public comments by members of the public wishing to have input on the public record are available in Exhibit C of this report. Any additional public comments will be included as an addendum to the Committee of Adjustment Agenda.

- **Comment:** A gas station (i.e. a service station) is not needed in this location and will lead to environmental contamination and public health risks.

Response: The proposed commercial development includes uses that are permitted as-of-right in the applicable General Commercial zone of the Kingston Zoning By-Law. The zoning of the property aligns with the In the Official Plan, where the subject property is located in an Arterial Commercial land use designation, which is intended for a range of services that cater to the travelling public, including automotive uses such as gas bars and service stations. The applicant is seeking relief to setback requirements and parking area aisle requirements through their minor variance application and as such the proposed land use is not in question.

With respect to potential for environmental contamination and public health risks, the proposal is being reviewed by the City's Environment department and the Ministry of the Environment in relation to modern environmental standards through the ongoing technical review of the application under the Site Plan Control application. An Environmental Compliance Approval will also be required from the Ministry of the

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Environment, in relation to ensuring water quality standards through the proposed oil/grit separator. Overall stormwater management at the site is also reviewed as part of the ECA application.

- **Comment:** Concern that the apartment dwelling unit in the second storey of the existing development at 2263 Princess Street will be negatively impacted by the proposed restaurant and drive through.

Response: Planning has confirmed through follow-up with Building Services and archives that there is an apartment on the second storey of the Beamish Corporate Centre at 2263 Princess Street. It is appreciated that this was brought to our attention as this apartment was not identified in recent Planning reviews of the land uses in this area, and was not identified in the applicant's supporting information, in particular, the Noise Impact Study. The Noise Impact Study has been updated to analyze potential noise impacts on this sensitive receptor and has recommended mitigation measures for the development to meet Provincial noise criteria. In particular, a 2.0 metre high noise attenuation wall is recommended along the east side of the drive through aisle, which is setback approximately 3 metres from the east property line. The Noise Impact Study concludes that acceptable sound levels are expected to be achieved through the implementation of the recommended noise mitigation measures in the report.

- **Comment:** Concern that the proposed development will generate traffic that will negatively impact the surrounding area, which includes the intersection of Princess Street and Sydenham Road.

Response: A Traffic Impact Study prepared by N Engineering Inc. is under review as part of the active Site Plan Control application (City File Number D11-008-2023). This study concludes that the proposed development will not negatively impact traffic in the area in existing or future conditions with the addition of the proposed development. Traffic signal timing optimization has been provided and recommended through the report.

- **Comment:** A reduction in the required east interior setback to 2.0 metres is unacceptable in relation to the adjacent residential apartment at 2263 Princess Street.

Response: To clarify, the minimum setback required to enable the location of the commercial building associated with the service station is 7.1 metres. The difference between the minimum required 9.1 metre interior setback for a service station is 2.0 metres. It's notable that if the commercial building were not associated with a service station that includes the sale of gasoline it would be permitted to have a setback of 0 metres from the interior property line according to the Kingston Zoning By-Law.

- **Comment:** Concern that a residential use at 2279 Princess Street would be negatively impacted by the proposed commercial development unless appropriate mitigation measures are put in place such as a planting strip, fencing, adequate noise mitigation and prevention of light spill over.

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Response: The recommended variances enable setback reductions from the east interior lot line (opposite 2279 Princess Street) and rear lot line to enable a commercial use on the property that is permitted in the applicable General Commercial zone. It is notable that the west adjacent property at 2279 Princess Street is in an Arterial Commercial zone of the Kingston Zoning By-Law, subject to a “Red Exception” which includes commercial zoning of the former Township of Kingston Zoning By-Law, where as-of-right residential permissions are limited to an accessory dwelling unit located on the ground floor.

The site plan undergoing technical review under City File Number D11-008-2023 includes a 1.8 metre privacy fence along the west property line, as well as a landscaped strip along the majority of the east side of this fence.

Noise mitigation measures will be integrated into the site design, as recommended by the new Noise Impact Study, to meet Provincial criteria with respect to noise levels and to prevent impacts on sensitive receptors.

A Lighting Plan has been submitted as part of the associated Site Plan Control application (D11-008-2023) that demonstrates acceptable light levels at the property boundaries based on technical review. A special condition will also be included in the Site Plan Control agreement that, in the event that the City receives a complaint that the on-site lighting is adversely affecting the enjoyment and use of an adjacent property, the Owner shall remedy the lighting issue, at its sole expense, to the satisfaction of the City”.

- **Comment:** The applicant will be required to establish a planting strip should the west adjacent property contain residential uses, as it will be subject to a Site Plan Control agreement that requires compliance with the Kingston Zoning By-Law.

Response: With respect to planting strip requirements in the Kingston Zoning By-Law under section 4.16.1, these do not apply to a commercial development that abuts a vacant property in a commercial zone. Planting strip requirements in the Kingston Zoning By-Law also do not apply retroactively to properties subject to a Site Plan Control agreement, when adjacent uses evolve to include residential uses. Zoning By-laws are not retroactive in their effect, they are forward looking only, and if adjacent multi-residential uses are established in the future, a planting strip would be required only as part of a comprehensive redevelopment of the subject property.

Previous or Concurrent Applications

The subject property is subject to an active application for Site Plan Control (City File Number D11-008-2023) to permit the proposed commercial development.

Previously, the subject property underwent a Zoning By-Law Amendment approved in October 2019 to permit a four storey hotel on the subject property (City File Number D14-032-2018). The associated Site Plan Control application was not finalized (City File Number D11-048-2018).

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Conclusion

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

Approval of this application will permit the proposed site configuration of the commercial development in accordance with the submitted site plan, including a reduced minimum interior (east) setback, reduced minimum rear setback and reduced minimum drive aisle width for perpendicular parking spaces.

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 Planning Statement, 2024

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 November 18, 2024 Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 10 days in advance of the meeting. In addition, notices were sent by mail to property owners of a total number of 9 properties (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit B – 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

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Financial Considerations:

None

Contacts:

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

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Site Plan of Proposed Noise Mitigation Measures

Exhibit B Public Notification Map

Exhibit C Public Comments

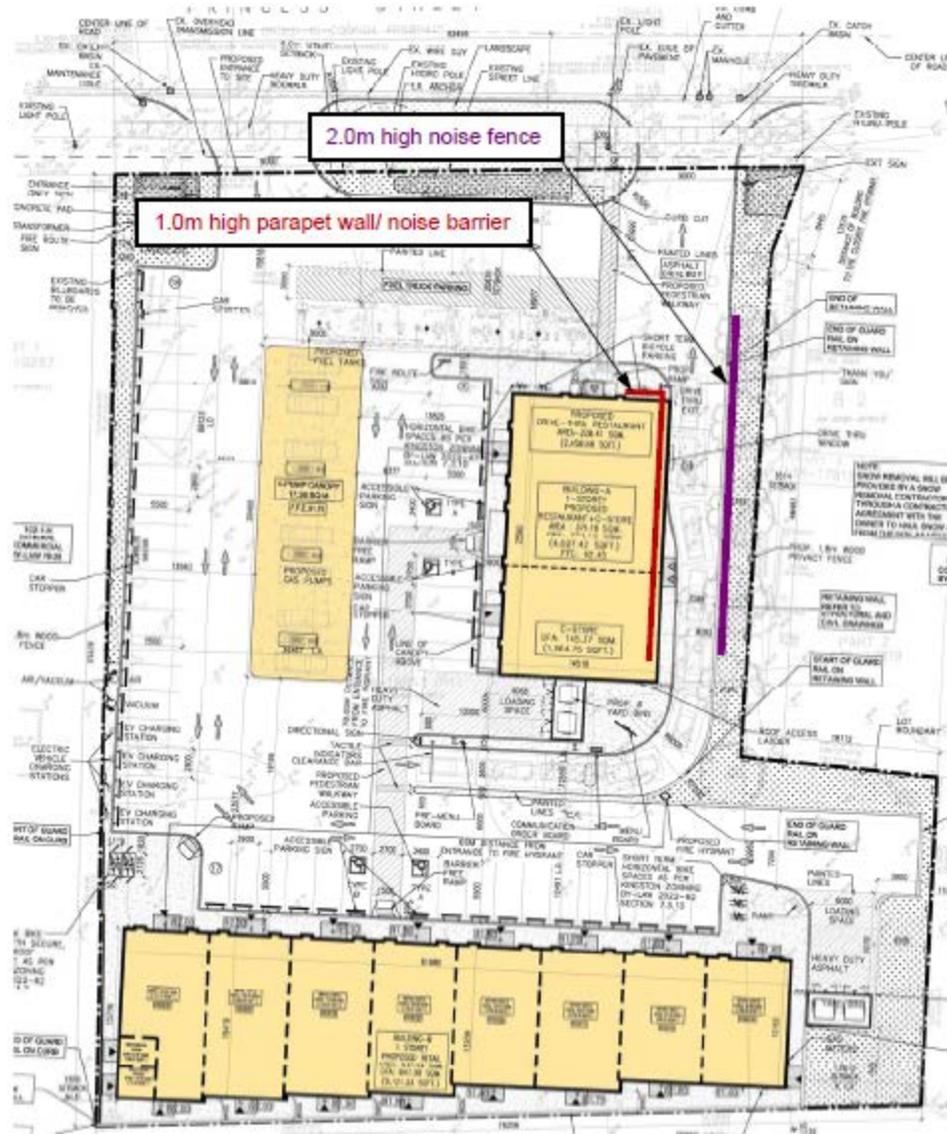


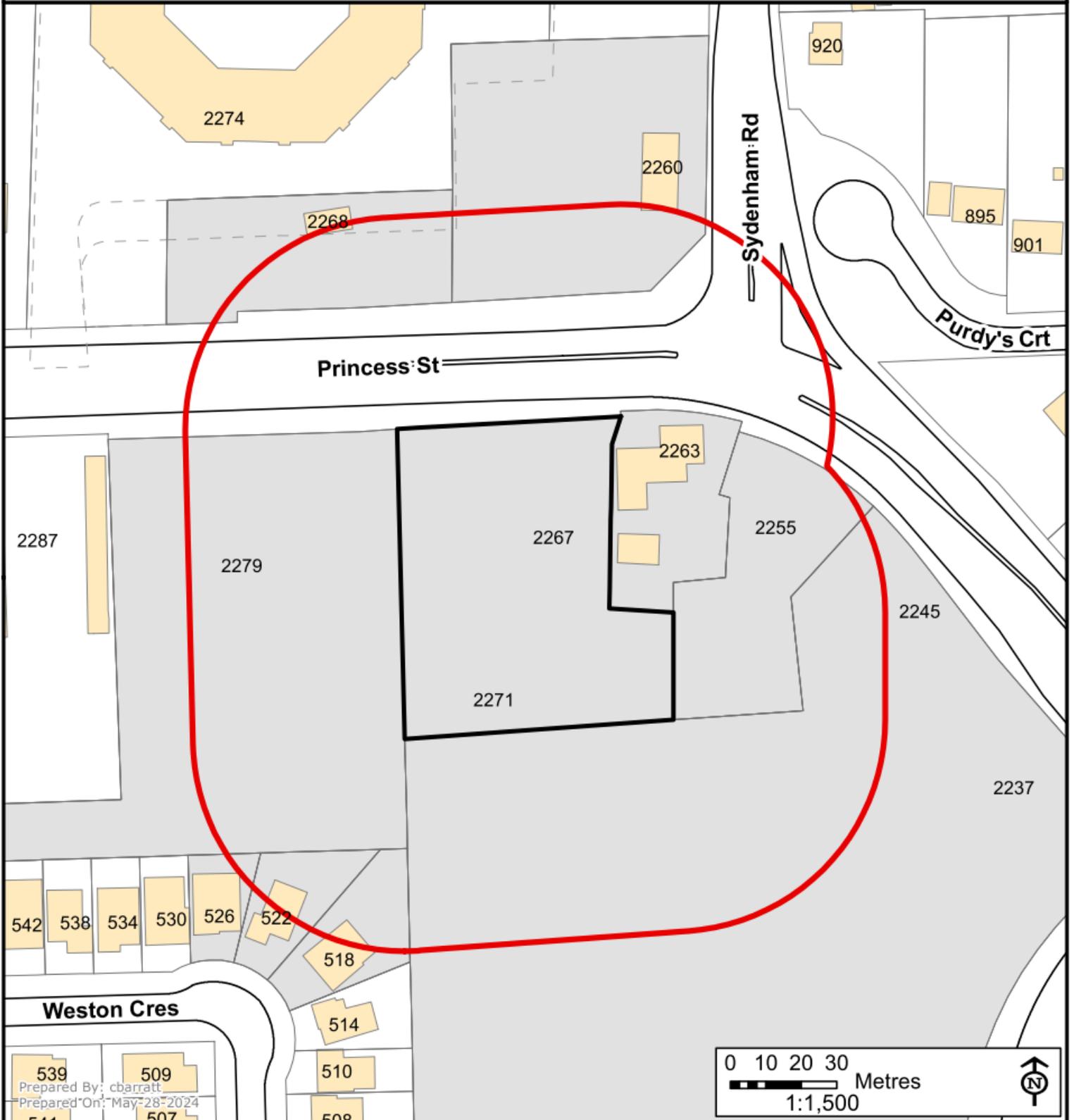
FIGURE 4
RECOMMENDED NOISE MITIGATION MEASURES
2267 & 2271 PRINCESS STREET



Committee of Adjustment Public Notice Notification Map

Address: 2267 Princess Street
File Number: D13-039-2024
Prepared On: May-28-2024

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



Prepared By: cbarratt
Prepared On: May-28-2024



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Monday, July 10, 2024

To: Secretary Treasurer, Committee of Adjustment

Re: File # D13-039-2024 2267 – 2271 Princess Street, Kingston, ON

Preamble

My name is James Brown and I am writing to you today to express my concerns regarding the proposed development at 2267 – 2271 Princess Street. I am the owner of the heritage property adjacent to the proposed development that since 1850 has been recognized as Beamish House. I purchased this property in 2017 from the well-known Architect, Ernest A Cromarty. Al's passion was Historic Architecture, Al added tremendous value to our city. One of Al's greatest pleasures was Beamish House. Al purchased the Beamish House in 1975 and lived in the residential portion of the building up until his retirement. The Architect never stopped working on Beamish House and he diligently did everything he could to protect this valuable historic city asset. The Cataraqui Village was important to Al and from experience I know that he would share the same genuine concerns that I do regarding this development. Beamish House is a beautiful example of residential design by Mr. William Coverdale. I've been in the city of Kingston my entire life. I've owned and meticulously maintained historic Limestone buildings in the Portsmouth Village, Cataraqui Village, and Odessa. I've observed that the city has done a lot to protect the heritage of the Portsmouth Village in contrast to what has sadly happened in the Cataraqui "Waterloo" Village. There is very little left regarding heritage in Cataraqui thanks to the pressing need to expand urban development. What history remains provides one of the most beautiful gateways into our city, Sydenham Rd to Princess St.

My Objection

Let me start my objection by saying that the last thing Kingston needs in the Cataraqui Village is another gas station. When I first offered to purchase Beamish House at 2263 Princess St, Mr. Cromarty and I spent collectively over \$60,000.00 on environmental studies. We called it the "Swiss cheese project" because of all the test holes that were drilled looking for hydrocarbons. I painfully learned that gas stations are potential sources of environmental contamination because of liquid hydrocarbons. I additionally learned that no bank would lend money to any property where hydrocarbons were found without complete remedial action. Unfortunately, the Beamish House had historically been near several gas stations in the Cataraqui Village.

Since 1850 Beamish House was never a gas station yet we had the burden to prove that nothing from surrounding gas stations had ever contaminated the Beamish property. I recall that one of the biggest concerns for the environmental engineers was a gas station that had been located west of the property. Because of the higher elevation, contamination would naturally flow downhill. We should never risk environmental contamination of such a valuable historic asset. This would be devastating for my heritage building. For example, if there was a leak/spill from the proposed gas station next door what do I do? I cannot lift the building and do any remedial work to remove the contamination nor am I permitted to rebuild. The Beamish House and one of the last standing limestone barns in Ontario would have to be abandoned. You do not have to look too far to see an example of such a situation. Drive down Montreal Street and have a look at the abandoned rail station that's been an eyesore in the city for 30

years. It's important to understand that some of our heritage buildings can never be replaced in the event of an environmental catastrophe. The cost of labour and material would be far too expensive in comparison to what could be accomplished in 1850. Investors and banks will not lend money if a project makes no economic sense and there is no return on investment.

In addition to contamination problems, please also consider the health risk posed by a gas station. When refueling automobiles and underground fuel storage tanks, benzene is released into the air from tank vents and at the pump. Benzene can increase the risk of cancer for those living, learning or working within 305 meters. Gas stations are bad for the environment, seeing as gasoline creates excess greenhouse emissions and other environmental impacts because of fuel extraction, transportation, and storage. Gas stations emit toxic air pollution linked to asthma, birth defects, and cancer. Gas stations frequently leak petroleum contaminating nearby groundwater, soil, and air causing damage to nearby properties.

When I recently read the staff report prepared for the committee of adjustment, I was surprised to see that the city staff report had stated that the heritage property next door was solely used for commercial. This is not the case. The city staff report claims the following. "The Beamish House was designed by William Coverdale, a well-known Kingston architect. The buildings on this designated heritage property contain non-residential uses".

Since 1850 the entire building has been residential. In the 70s Mr. Cromerty renovated and used approximately 80 percent of the building for commercial offices. There is currently over 2000 square feet of residential space in the building. This residential space was the architect's home for 40 years. Today Beamish House continues to be a mix of commercial/residential with a spacious apartment that is located along the entire west wall of the building. Should you decide to approve this proposed project, the adults and child presently living in this space will be exposed to the hazards that I've brought to your attention above 24 hours a day. Please consider the health and safety of this family. The commercial offices that are located under the apartment and along this same west wall are presently occupied by a financial planner, a psychologist and social workers. They are entitled to a quiet and a nonhazardous work environment. Putting a drive through restaurant only two meters away is obviously going to make this space unusable and harder to rent.

Additionally, I note that this proposed development is not harmonious with the adjacent properties on the East and North boundaries of the development. A gas station with a convenience store, offices and drive through restaurant would be disturbing (traffic, noise, flashing lights). All these things make residential living potentially hazardous. These disturbances can cause high blood pressure, heart disease, sleep loss, and stress. These health problems can affect all age groups, especially children.

Consider as well how this proposed development will undoubtedly increase the amount of traffic. All this additional traffic is dangerously close to one of Kingston's busiest intersections at Princess and Sydenham Road. I noticed that this busy intersection is completely omitted from the staff report. I would urge you to consult with the Kingston City Police regarding the many accidents already occurring in this intersection. As traffic approaches this unusually designed intersection, there is at minimum a 60-degree curve going east to west. This complicates driving and is confusing. It certainly makes navigating this intersection different than any other intersection we see in the city. This busy intersection is a hazard already and this new development and the exit from the proposed drive through restaurant onto Princess St. is less

than 25 meters from the traffic lights. This is obviously poor planning and dangerous for pedestrians, bicycles and automobiles.

Let's now consider the hours of operation and the location of the proposed drive through restaurant. The fast-food drive through is located along the east side of the property directly adjacent to Beamish House. The traffic, lights and exhaust fumes from automobiles are only a few meters from kitchen and bedroom windows. This is unacceptable and will cause health issues and sleepless nights listening to noise and breathing hazardous fumes. The developer is asking for a variance to reduce the side yards on the east side. The bylaw demands 6.7 meters, and the developer is asking the city to reduce this to only 2 meters. The staff report that's been prepared for your consideration offers the following regarding the east set back.

"As demonstrated through the submitted Heritage Impact Statement (HIS), the proposed development with reduced interior east setback will be compatible with the east adjacent heritage property. The Heritage Impact Statement concludes that the overall low-profile of the development in combination with the generous setbacks from the front property line ensures that visual prominence of the Beamish House is maintained along Princess Street. Specific recommendations from the HIS with respect to lighting, landscaping and maintaining views through the to the Beamish house (through the elimination of fencing) will be implemented through the Site Plan Control application.

While it's commendable that the Staff Report gives due consideration to protecting the wonderful view of Beamish House as vehicles driving east approach the busiest intersection in Kingston there seems to be little consideration for safety. Specifically, the safety of bicycles, pedestrians and the people living and working next door. Shouldn't these humans also be given due consideration?

In conclusion I hope that you will do the right thing and deny these adjustments that the developer is requesting or at the very least send this back to city staff for more thoughtful consideration. There are already enough gas stations along this corridor. If you look, you'll see that between Portsmouth Ave. and Gardiners Rd, we have a total of four gas stations and ample pumps to service all types of vehicles. The city should give more consideration to the increasing demand for electric vehicles in accordance with the city's own climate change goals.

There will accordingly be decreasing demand for vehicles propelled by refined crude oil in our future. Saying no to this proposal would confirm the city's dedication to a cleaner future.

Respectfully submitted,



James S. Brown | President
J. Brown Holdings Inc.
2263 Princess Street
Kingston, ON K7M 3G1

Amy Didrikson
Senior Planner
Planning Services
City of Kingston
1211 John Counter Boulevard
Kingston, ON K7K 6C7

Date: July 15, 2024

Our Ref: P24050

Subject: 2267-2271 Princess Street - Applications for Minor Variance and Site Plan Control (City of Kingston File No. D13-039-2024 and File No. D11-008-2023)

Dear Ms. Didrikson:

We have been retained by Edifax Developments, which is the Owner of the property municipally addressed as 2279 Princess Street in Kingston, Ontario ("2279 Princess"). The lands at 2279 Princess are currently vacant and have been for several decades, but are under contemplation for redevelopment in the near future, as evidenced by a recent Pre-Application Meeting.

The Owner received the Notice of Public Meeting for the above noted Minor Variance application in support of the proposed redevelopment of the adjacent lands at 2267 & 2271 Princess ("2267 Princess"). We and the Owner have reviewed this application as well as the associated Site Plan Control application, and understand that the applicant is proposing to redevelop 2267 Princess with two commercial plazas and a gas bar. We note that one of the indicated commercial tenants is a "drive-thru restaurant", that there is a surface parking lot occupying the majority of the mutual property line with 2279 Princess, and a commercial building to be located approximately 1.8 m from this same property line.

Based on our review of the applications, we have a number of comments and concerns in relation to potential impacts on the future development of 2279 Princess. As identified in the recent Pre-Application Meeting for our lands, significant residential development can be supported. Our concern is that the contemplated residential use of 2279 Princess could be negatively impacted by the proposed commercial use at 2267 Princess if appropriate mitigation measures are not put in place for the commercial use. These would include, but are not limited to:

1. A landscape buffer and/or fence along the western property boundary to prevent vehicle headlights from shining into ground floor units and/or amenity areas of the contemplated adjacent residential use. We understand that the City's typical Site Plan Agreement would require implementation of the Zoning By-law requirements for buffers between commercial and residential uses (Section 4.16.1), and that this buffer must be provided by the commercial use. Should the Site Plan Agreement for 2267 Princess be approved and, subsequently, new residential development at 2279 Princess also be approved, this could require the owner of 2267 Princess to amend their Site Plan to provide the required buffer as the Site Plan Agreement obliges the Owner to continue to "comply with the provisions of the City's Zoning By-laws, as amended".

2. Adequate mitigation of stationary noise sources to protect future residential uses such that sensitive receptors on upper residential floors are screened "at the source" rather than having to employ mitigation after-the-fact at the receptor. In our experience, implementing noise mitigation at the source that considers anticipated or planned adjacent sensitive receptors avoids or reduces potentially debilitating noise impacts on new housing projects.
3. Impacts of the anticipated significant lighting from the commercial plaza and gas bar on the future residential at 2279 Princess. The Owner would like to ensure that particular attention is paid to ensuring that **all** light sources are sufficiently shielded from spillover onto 2279 Princess.

The Owner is generally supportive of the development proposed, but would like to ensure it properly accounts and plans for future adjacent sensitive land uses in a comprehensive fashion.

Should you require anything further or have any questions in support of your investigation, please do not hesitate to contact the undersigned.

Sincerely,
Arcadis Professional Services (Canada) Inc.

A handwritten signature in black ink, appearing to read "Mark Touw", with a long horizontal flourish extending to the right.

Mark Touw
Principal

Email: Mark.Touw@Arcadis.com
Direct Line: 613-531-4440 X 63301
Mobile: 613-217-9925

CC. Edifax Development