



**City of Kingston
Report to Committee of Adjustment
Report Number COA-25-014**

To: Chair and Members of the Committee of Adjustment
From: Victoria McCutcheon, Planner
Date of Meeting: December 16, 2024
Application for: Permission
File Number: D13-088-2024
Address: 734 Arlington Park Place
District: District 6- Trillium
Owner: Kingston Learning Centre Inc.
Applicant: Naturally Rooted Inc.

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 permission for the property located at 734 Arlington Park Place. The applicant is proposing to introduce a wellness clinic within an existing two-storey commercial condominium unit. The unit is currently occupied by the Kingston Learning Centre, a private educational center for healthcare professionals.

The requested application for permission under Section 45(2)(a)(i) of the *Planning Act* is consistent with the general purpose and general intent of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62 . The proposed wellness clinic is similar to the existing legal non-conforming use. Therefore, it is recommended that this application for permission under Section 45(2)(a)(i) of the *Planning Act* be approved.

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Recommendation:

That the application for permission, File Number D13-088-2024, for the property located at 734 Arlington Park Place to establish a wellness clinic, be **Approved**; and,

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-25-014.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Victoria McCutcheon, Planner

Consultation with the following Management of the Community Services Group:

Tim Park, Director, Planning Services
James Bar, Manager, Development Approvals
Malcolm Norwood, Supervisor, Development Approvals

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Options/Discussion:

On November 19, 2024, an application for permission was submitted by Naturally Rooted Inc., on behalf of the owner, Kingston Learning Centre Inc., with respect to the property located at 734 Arlington Park Place. The application for permission is requested to establish a wellness clinic as a similar use.

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

- Floor Plan (Exhibit F)
- 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 within the Urban Boundary on the northwest corner of Arlington Park Place (Exhibit B – Key Map). The property abuts lands to the southwest and northeast which are zoned M2 but allow medical clinics and professional offices through their respective Red Exceptions. The subject property also abuts multi-residential uses to the northwest and the Lions Civic Gardens to the north. (Exhibit C – Neighbourhood Context Map).

The property is currently developed with a commercial condominium which was constructed in 1989. The land parcel contains two commercial condominiums, each with six units. There is a surface parking lot in front of the two condominiums with 33 parking spaces, including two accessible spaces. There is also a drive aisle on the east side of the property which connects to a larger wrap-around 106-space parking lot at the rear.

The existing unit is currently vacant, but previously used as a private college for healthcare professionals which was operated by the Kingston Learning Center. The abutting units within the existing condominium include a Computer Services business at 736 Arlington Park Place and a dentist’s office at 732 Arlington Park Place. There is also a doctor’s office at 728 Arlington Park Place.

Arlington Court primarily consists of medical facilities, personal services, legal and financial offices. The Kingston Medical Center and Kingston Respiratory Services are located across the street. Integro Massage and Wellness Center, an acupuncture centre, Solace Spa Kingston, and a skin care business are also located to the west at 735 Arlington Park Place.

The property is bound by Arlington Park Place, a local road, to the south, and Taylor Kidd Boulevard, an arterial road to the north. Transit Route 10 from Amherstview to the Catarauqui Centre is accessible from Taylor Kidd Boulevard. Express Transit Route 701/702 (King’s

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Crossing to Catarauqui Centre) and Route 11 (Catarauqui Centre to Kingston Centre) are also located within 500 metres of the subject property at Gardiners Road.

The subject property is designated Business Park Industrial in the Official Plan (Exhibit D – Official Plan Map) and zoned M1 in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

Planning Act

Pursuant to Subsection 45(2)(a)(ii) of the *Planning Act*, the Committee of Adjustment may permit the use of any land, building or structure for a purpose that, in the opinion of the Committee, is similar to the purpose for which it was used on the day the zoning by-law was passed or is more compatible with the uses permitted by the zoning by-law than the purpose for which it was used on the day the zoning by-law was passed, so long as the use has continued until the date of the application to the Committee. In determining whether to grant a permission pursuant to Subsection 45(2)(a)(ii), the relevant test is:

- 1) Whether the proposed use is similar to the existing legal non-conforming use; or**
- 2) Whether the proposed use is more compatible with the uses permitted in the zoning by-law than the existing legal non-conforming use.**

Similarity and compatibility are assessed according to the impacts, such as physical or social impacts, created by the proposed use as compared to the existing legal non-conforming use.

The proposed wellness clinic is similar to the existing college for healthcare professionals. The current use includes small classrooms and offices. The proposal will facilitate minor internal changes to the existing building. No exterior changes to the existing building footprint or landscaping changes have been proposed. The new use is not anticipated to create any negative noise, odour, or traffic impacts. No additional parking would be required to accommodate the proposed use. Adjacent units within the existing condominium have also been developed with medical offices.

Provincial Planning Statement

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 Planning 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.

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Official Plan

The subject property is designated Business Park Industrial (Exhibit D – Official Plan Map). The Business Park Industrial designation is an employment area that is intended to provide prominent locations for industrial and industrial support uses. These include prestige office, research, light industrial, and similar employment uses which are in visible and easily accessible locations.

In certain circumstances, it may be desirable to grant the extension, enlargement or relocation of a non-conforming use as provided by the *Planning Act*. When reviewing an application for such extension, enlargement or relocation, the Committee of Adjustment must be satisfied that the legal non-conforming use continued to the date of the application to the Committee, and that the application would not extend such use beyond the area and site owned or used on the day of passage of the implementing zoning by-law. In addition, the Committee of Adjustment may have regard to the eight criteria included in Section 9.5.13 of the Official Plan.

The proposal conforms with the intent of the Official Plan as it will serve to establish an office use that is compatible with the Business Park Industrial designation. The proposal is warranted for this location as Arlington Court has already been developed with various medical and personal services as outlined in the 'Site Characteristics' section of this report. The M1 Zone does not permit 'wellness clinics' and similar medical and personal services in the area have been established through the former 76-26 By-Law.

No external changes are proposed to the existing building footprint and landscaping. As such, the proposed use will remain compatible with the existing building and structures as well as the zoning standards of adjacent sites. The existing streetscape will be maintained.

The site is suitable to accommodate a wellness clinic. The site is well-served by adjacent transit routes, 139 parking spaces, and is within walking distance of multiple residential subdivisions. The introduction of a wellness clinic would allow for new commercial development within an area where other medical and personal service uses have been established. No new noise, odour, traffic conflict, or other nuisance is anticipated to arise as a result of this proposal.

The subject property is not designated or listed on the City of Kingston's Heritage Property Register, or adjacent to a property which is designated or listed. The subject property is also not located in an area with archeological potential.

Utilities Kingston has requested a Sewer Use By-Law Part 7- Discharger Information Report to confirm discharges to the wastewater system for a wellness clinic. No additional conditions of approval have been requested by internal and external departments.

The proposal is not anticipated to create an undesirable precedent or inhibit conforming uses. Arlington Court has already been developed with various medical facilities and offices through the former 76-26 Kingston Zoning By-Law. As such, the requested permission to establish a wellness clinic meets the general intent and purpose of the City of Kingston Official Plan and would be compatible with the existing neighbourhood.

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Zoning By-Law

The subject property is located within the Business Park (M1) Zone in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The M1 Zone permits various light industrial and office uses. However, wellness clinics are not a permitted use in the M1 Zone.

The property was previously zoned M2-12 under the former 76-26 Zoning By-Law which permitted a business or professional office use. The existing educational center for healthcare professionals was established under the former zoning and consists of small offices and classrooms as per the submitted floor plan. A permission application is required to recognize a wellness clinic as a similar use to the existing use.

The subject property is located within Parking Area 4. There is no standard parking requirement for commercial uses. Two accessible parking spaces have been provided on the property. As per Section 7.1.19 of the Kingston Zoning By-Law, any parking deficiency is not required to be made up prior to the construction of any addition. No external changes to the existing building footprint have been proposed.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering | <input checked="" type="checkbox"/> Heritage Services |
| <input checked="" type="checkbox"/> Civic Addressing | <input checked="" type="checkbox"/> Utilities Kingston | <input checked="" type="checkbox"/> Public Works |
| <input type="checkbox"/> Fire & Rescue | <input type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> Environment Division |
| <input type="checkbox"/> Solid Waste | <input type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input checked="" type="checkbox"/> Transportation | <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 checked="" 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 checked="" type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input checked="" 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 had been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

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Previous or Concurrent Applications

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

Conclusion

The requested application for permission under Section 45(2)(a)(i) of the *Planning Act* is consistent with the general purpose and general intent of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62 . The proposed wellness clinic is similar to the existing legal non-conforming use. Therefore, it is recommended that this application for permission under Section 45(2)(a)(i) of the *Planning Act* be approved.

Approval of this application will permit a wellness.

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 December 16, 2024. Pursuant to the requirements of the *Planning Act*, a notice of Statutory Public Meeting was provided by advertisement in the Kingston Whig Standard on Friday November 29, 2024. The notice was also placed on the City's website and a sign was placed on the subject site.

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

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Contacts:

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

Malcolm Norwood, Supervisor, Development Approvals, 613-546-4291

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

Other City of Kingston Staff Consulted:

None

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 Existing Floor Plan

Exhibit G Site Photos

Recommended Conditions

The approval of permission application, File Number D13-088-2024, to establish a wellness clinic as a similar use, shall be subject to the following recommended conditions:

1. Limitation

That the approved permission applies only to permit internal changes to 734 Arlington Park Place 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. Utilities Kingston- Discharger Information Report

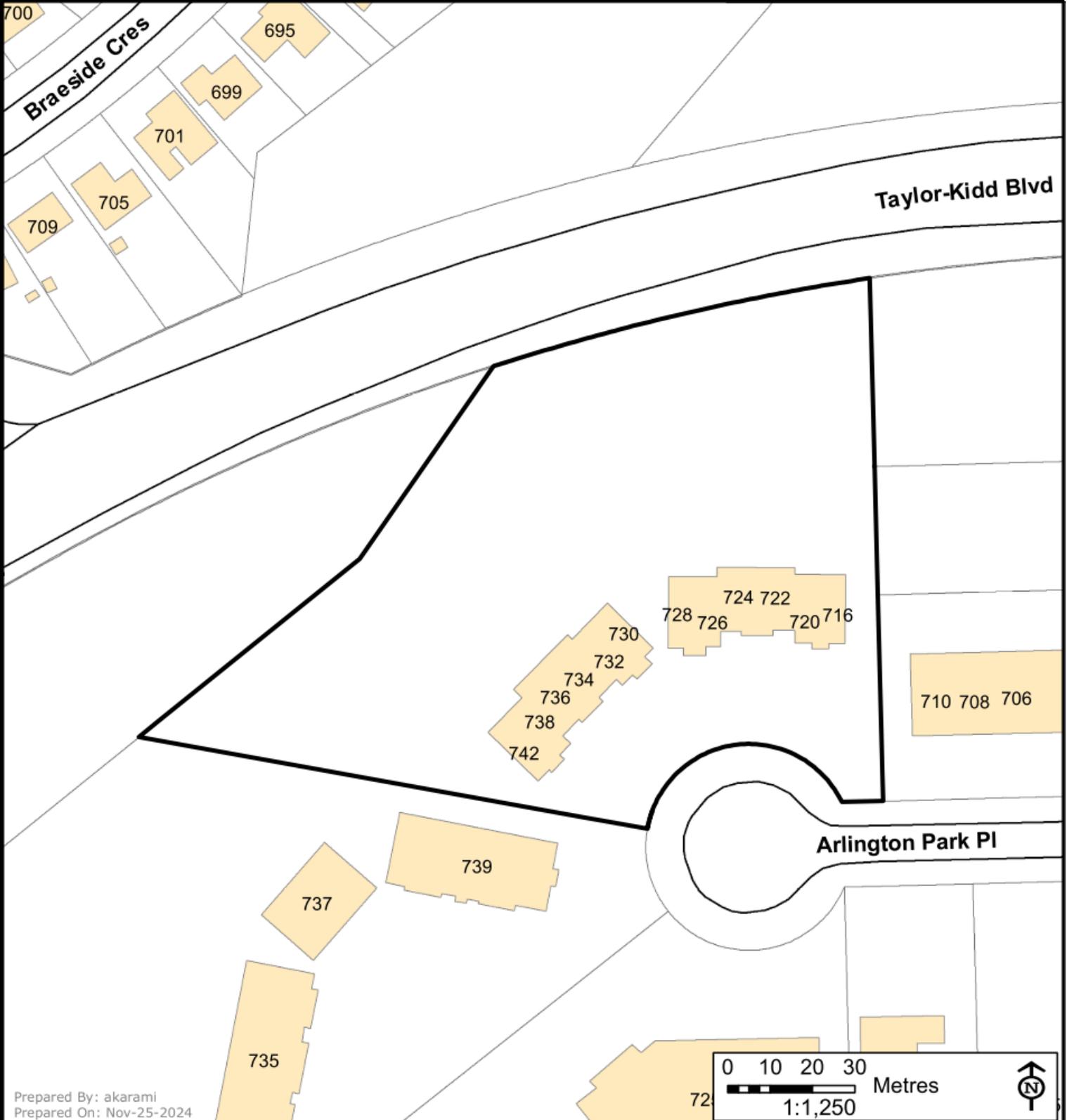
The submission of a Sewer Use By-Law Part 7 – Discharger Information Report (short version) is required for industrial, institutional or commercial developments. Please submit to the contact on the form as well as upload to the application in DASH.



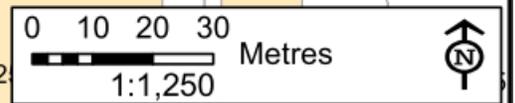
Committee of Adjustment Key Map

Address: 734 Arlington Park Place
File Number: D13-088-2024
Prepared On: Nov-25-2024

Lands Subject to Minor Variance



Prepared By: akarami
Prepared On: Nov-25-2024



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Committee of Adjustment Neighbourhood Context

Address: 734 Arlington Park Place
File Number: D13-088-2024
Prepared On: Nov-25-2024

-  Subject Lands
-  Property Boundaries
-  Proposed Parcels



Prepared By: akarami
Prepared On: Nov-25-2024



Planning Services

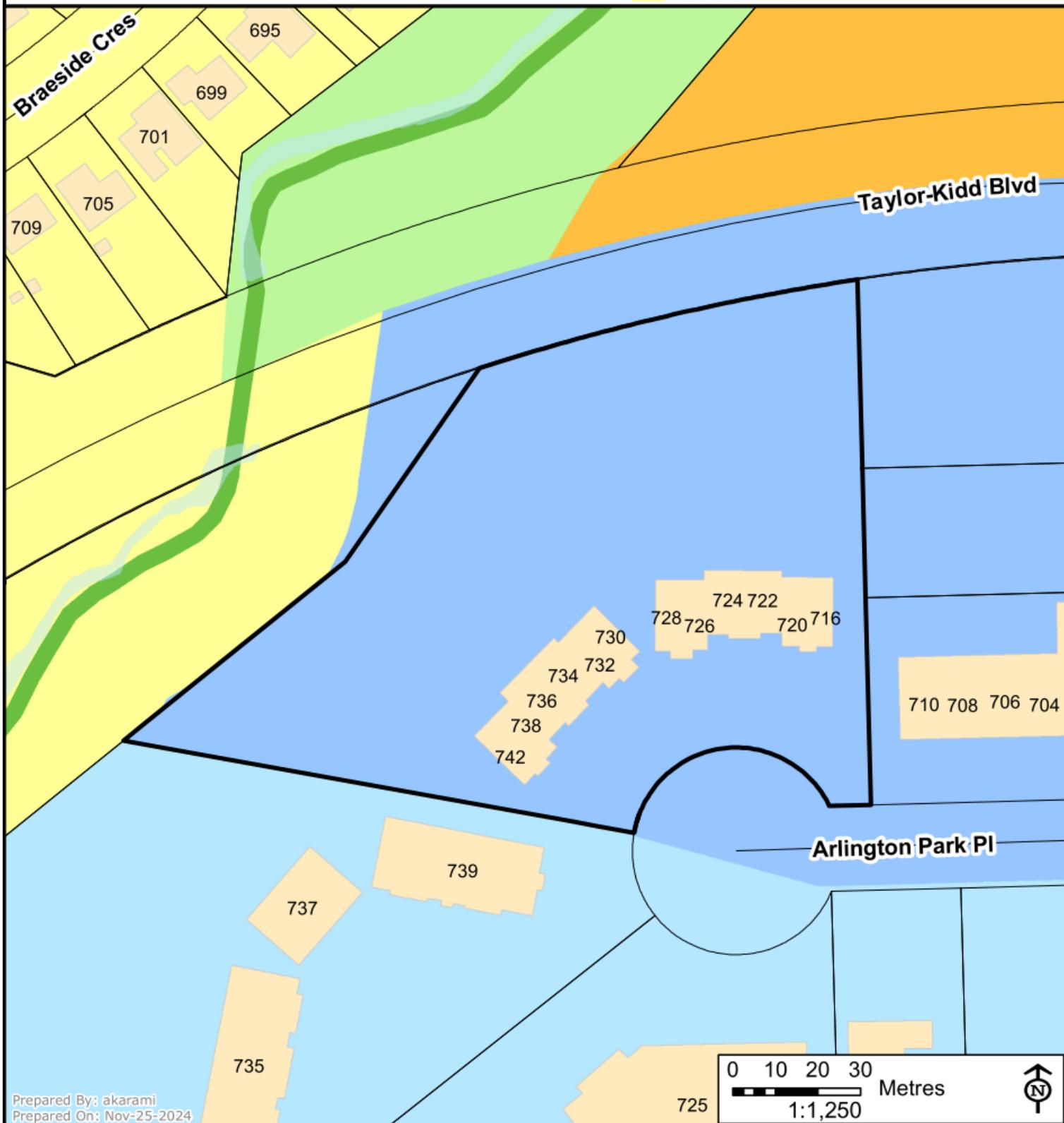
Committee of Adjustment Official Plan, Existing Land Use

Address: 734 Arlington Park Place

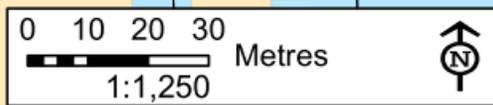
File Number: D13-088-2024

Prepared On: Nov-25-2024

- Subject Lands
- ARTERIAL COMMERCIAL
- BUSINESS PARK INDUSTRIAL
- ENVIRONMENTAL PROTECTION AREA
- GENERAL INDUSTRIAL
- OPEN SPACE
- RESIDENTIAL



Prepared By: akarami
Prepared On: Nov-25-2024



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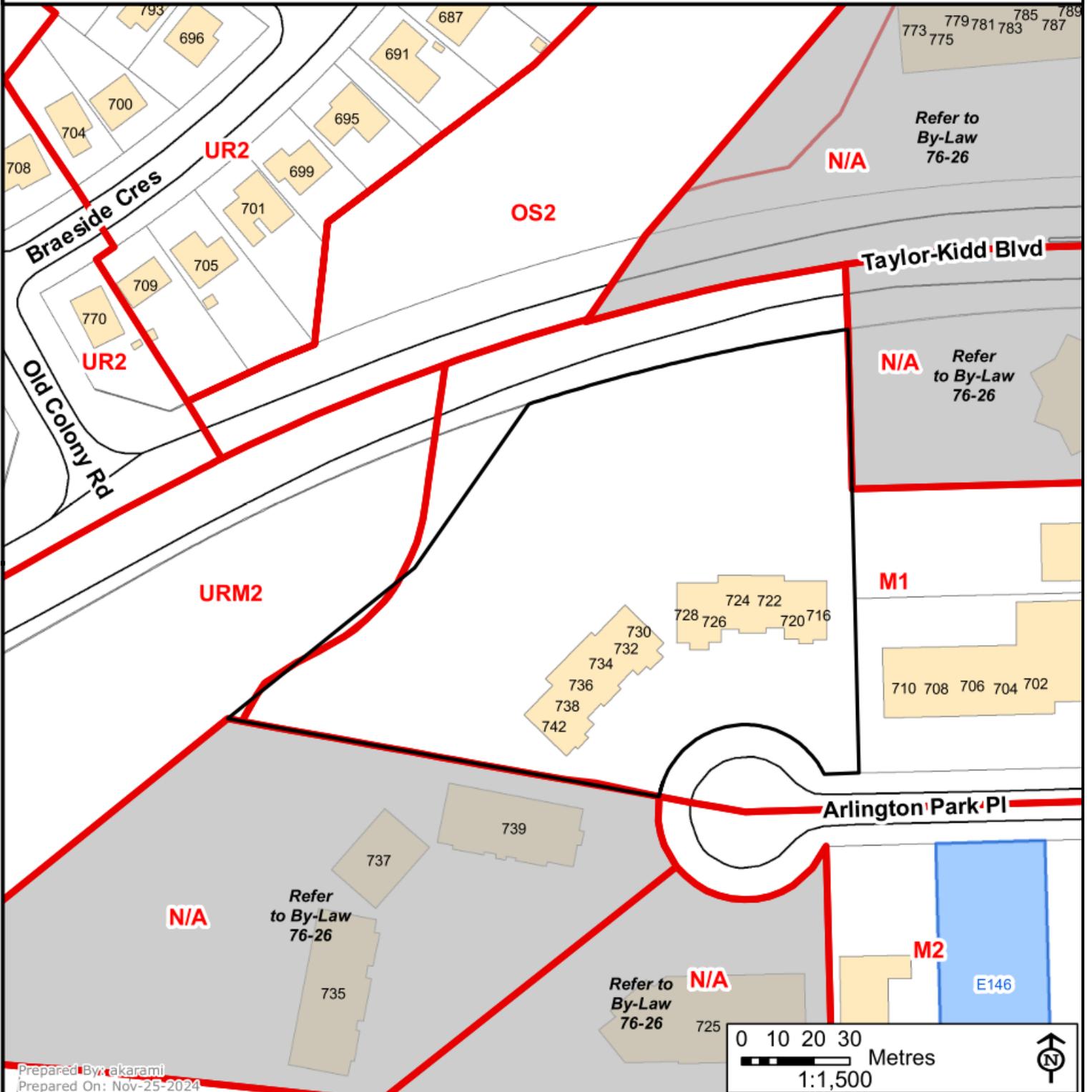


Planning Committee Existing Zoning Kingston Zoning By-Law 2022-62

Planning Services

Address: 734 Arlington Park Place
File Number: D13-088-2024
Prepared On: Nov-25-2024

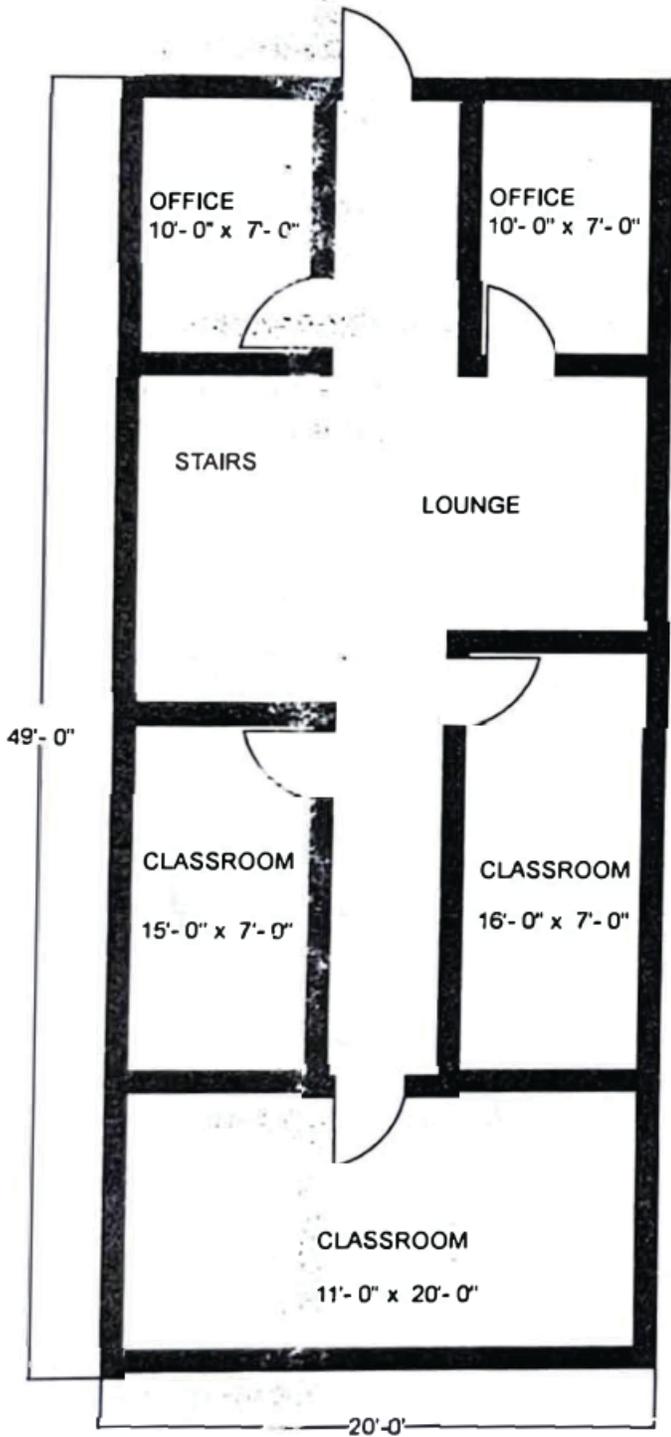
- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



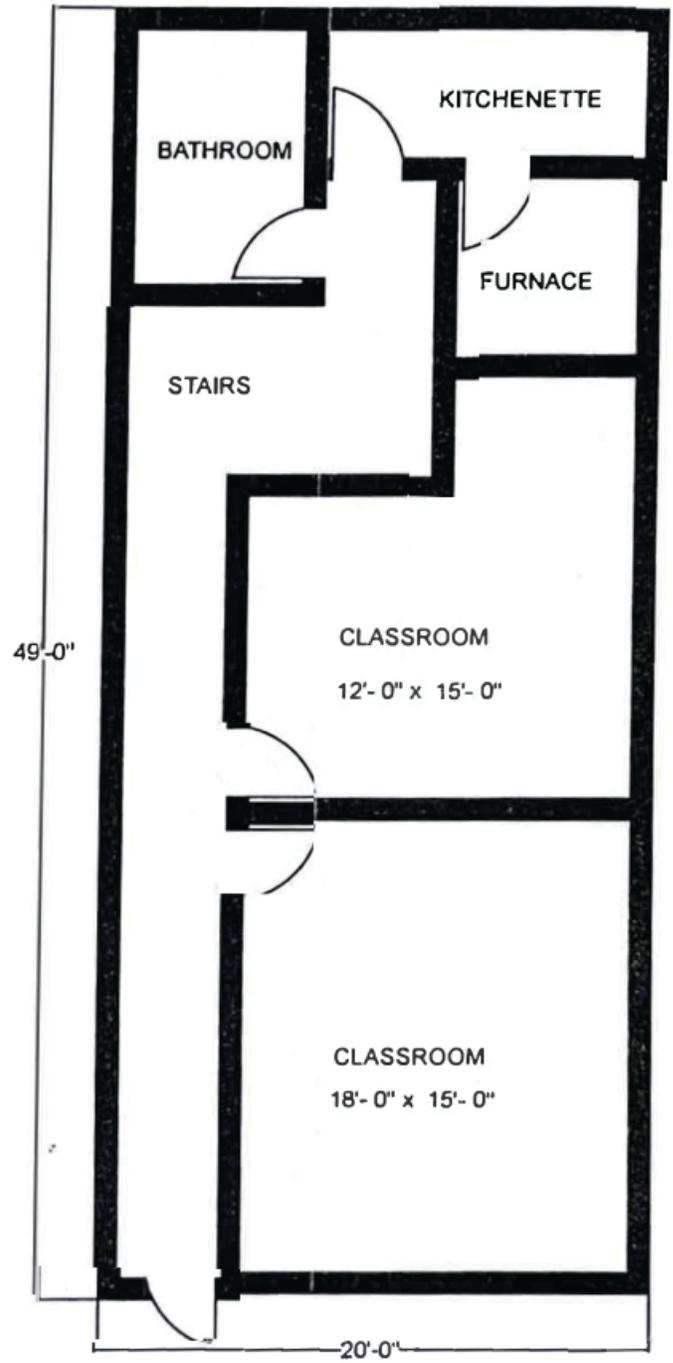
Prepared By: akarami
Prepared On: Nov-25-2024

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KLC COLLEGE - FLOOR PLAN
734 ARLINGTON PARK PLACE



UPPER LEVEL



LOWER LEVEL

Site Photographs - November 22, 2024



Figure 1: Front Entrance of 734 Arlington Park Place



Figure 2: Adjacent Condominium to the East



Figure 3: South Facing View from Front Entrance of Subject Property

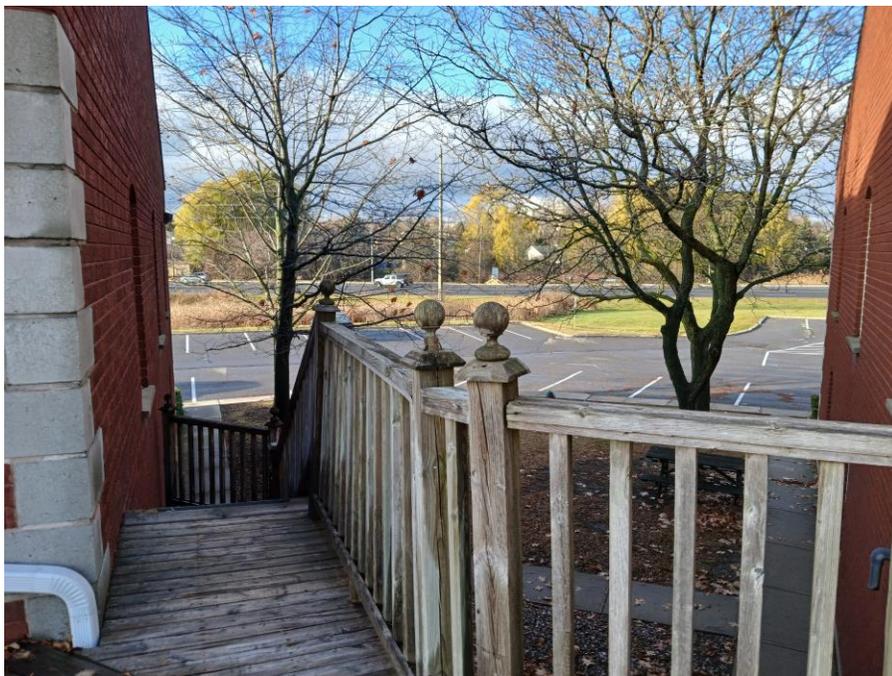


Figure 4: Walkway to Rear Parking Lot