



**City of Kingston  
Planning Committee  
Meeting Number 05-2018  
Addendum  
Thursday February 15, 2018  
6:30 p.m., Council Chamber, City Hall**

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**Business**

**Note:** The consent of the Committee is requested for the consideration of Report PC-18-020 in advance of Report PC-18-018.

- e) **File Number: D35-006-2017**  
**Subject: Supplementary Report**  
**Address: 133 Dalton Avenue**  
**Application Type: Official Plan & Zoning By-Law Amendment**  
**Owner: Axion Development Corporation Limited**  
**Applicant: Fotenn Consultants Inc.**

The Report of the Commissioner of Community Services (PC-18-020) is attached.

Schedule Pages 1 – 11

To learn more about this application, visit the [DASH](#) and search the property address or file number.

Recommendation:

**That** paragraph 2 of the recommendation in Report Number PC-18-018 be deleted and replaced with the following:

**That** the City of Kingston Official Plan, as amended, be further amended, amendment number 59, as per Exhibit A (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-18-020; and

**That** paragraph 3 of the recommendation in Report Number PC-18-018 be deleted and replaced with the following:

**That** By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A to Amend Zoning By-Law Number 8499) to Report Number PC-18-020;



**City of Kingston  
Report to Planning Committee  
Report Number PC-18-020**

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**To:** Chair and Members of Planning Committee  
**From:** Lanie Hurdle, Commissioner, Community Services  
**Resource Staff:** Paige Agnew, Director, Planning, Building & Licensing Services  
**Date of Meeting:** February 15, 2018  
**Subject:** Supplementary Report  
**File Number:** D35-006-2017  
**Address:** 133 Dalton Avenue  
**Application Type:** Official Plan & Zoning By-Law Amendment  
**Owner:** Axion Development Corporation Limited  
**Applicant:** Fotenn Consultants Inc.

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**Executive Summary:**

The following is a supplementary report recommending approval to the Planning Committee regarding applications for Official Plan and zoning by-law amendments submitted by Fotenn Consultants Inc., on behalf of Axion Development Corporation Limited, with respect to the subject site located at 133 Dalton Avenue.

The subject property is located within the City's Clyde Industrial Park. The majority of the subject property is designated 'General Industrial' and 'Environmental Protection Area' in the Official Plan, and is within the Industrial 'M' Zone in Zoning By-Law Number 8499. The proposal for the property is to allow for a broader range of permitted uses within the existing industrial building, which include business park uses. There will be no changes to the existing building footprint.

A comprehensive report was prepared ([Report Number PC-18-018](#)) which recommended that a Holding Symbol be applied on the proposed uses which include a medical office, medical clinic, dental office, personal service shop, restaurant, coffee or bakery shop, and veterinary clinic until a Municipal-Industrial Strategy for Abatement (MISA) manhole is available or could be made available. The owner has since addressed the concerns of Utilities Kingston with respect to the requirement of a MISA manhole for the site. As such, a Holding Symbol is no longer required.

February 15, 2018

Page 2 of 6

The purpose of this report is to update the recommendation in [Report Number PC-18-018](#), Exhibit B, to remove the requirement for a Holding Symbol for the proposed uses as noted. Further, minor administrative changes were made to Exhibit A to remove wording with respect to a site specific policy as it is not required as part of the Official Plan amendment application and to clarify that the subject property will be re-designated from General Industrial to Business Park Industrial with the portion designated Environmental Protection Area (EPA) to remain unchanged. A minor mapping correction was made to Schedule A of Exhibit B to indicate the EPA that is located on the south portion of the property.

**Recommendation:**

**That** paragraph 2 of the recommendation in Report Number PC-18-018 be deleted and replaced with the following:

**That** the City of Kingston Official Plan, as amended, be further amended, amendment number 59, as per Exhibit A (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-18-020; and

**That** paragraph 3 of the recommendation in Report Number PC-18-018 be deleted and replaced with the following:

**That** By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A to Amend Zoning By-Law Number 8499) to Report Number PC-18-020; and

February 15, 2018

Page 3 of 6

**Authorizing Signatures:**

ORIGINAL SIGNED BY COMMISSIONER

**Lanie Hurdle, Commissioner, Community Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Gerard Hunt, Chief Administrative Officer**

**Consultation with the following Members of the Corporate Management Team:**

Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Denis Leger, Commissioner, Corporate & Emergency Services	Not required
Mark Van Buren, Acting Commissioner, Transportation & Infrastructure Services	Not required

February 15, 2018

Page 4 of 6

**Options/Discussion:****Background and Decision Date**

In accordance with By-Law Number 2007-43, these applications were subject to a pre-application meeting held on September 1, 2017, with the Planning Division and various other departments and agencies. Following this, a formal submission was made by the applicant on October 18, 2017 and on November 14, 2017, the applications were deemed complete in accordance with the *Planning Act*.

In accordance with the *Planning Act*, these applications are subject to a decision by Council on or before May 13, 2018 which is 180 days after a complete application was received. In the absence of a decision by Council in this timeframe, the applicant may exercise their right to appeal to the Ontario Municipal Board (OMB).

The 180-day decision timeline for the application for Official Plan amendment may be extended by up to 90 days if the extension is initiated through written notice by either the applicant or the City of Kingston, and provided that both parties agree to the extension.

**Background**

The subject property is located within the City's Clyde Industrial Park. The majority of the subject property is designated 'General Industrial' and 'Environmental Protection Area' in the Official Plan, and is within the Industrial 'M' Zone in Zoning By-Law Number 8499. The proposal for the property is to allow for a broader range of permitted uses within the existing industrial building, which includes business park uses. There will be no changes to the existing building footprint.

**Removal of Holding Symbol**

A comprehensive report was prepared ([Report Number PC-18-018](#)) which recommended that a Holding Symbol be applied on the proposed uses which include a medical office, medical clinic, dental office, personal service shop, restaurant, coffee or bakery shop and veterinary clinic until a MISA manhole is available or could be made available. The owner has since addressed the concerns of Utilities Kingston with respect to the requirement of a MISA manhole for the site. As such, a Holding Symbol is no longer required.

The purpose of this report is to update the recommendation in [Report Number PC-18-018](#), Exhibit B, to remove the requirement for a Holding Symbol for the proposed uses as noted. Further, minor administrative changes were made to Exhibit A to remove wording with respect to a site specific policy as it is not required as part of the Official Plan amendment application and to clarify that the subject property will be re-designated from General Industrial to Business Park Industrial with the portion designated EPA to remain unchanged. A minor mapping correction was made to Schedule A of Exhibit B to indicate the EPA that is located on the south portion of the property.

February 15, 2018

Page 5 of 6

**Technical Analysis**

These applications have been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding technical issues with these applications remain at this time.

**Public Comments**

A Public Meeting was held on January 18, 2018. There was no public input received to date and as such, revisions to the proposal were not required.

**Effect of Public Input on Draft By-Law**

There was no public input received to date and as such, no further revisions to the proposal were required.

**Conclusion**

There are no concerns from external agencies or internal departments with respect to the Official Plan amendment and zoning by-law amendment applications. The applications conform to and are consistent with the applicable policies in the Provincial Policy Statement and comply with the general intent of the City of Kingston Official Plan.

**Existing Policy/By-Law:**

The proposed amendments were 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**

*Planning Act*

Provincial Policy Statement, 2014

**Municipal**

City of Kingston Official Plan

Zoning By-Law Number 8499

**Notice Provisions:**

A Public Meeting was held respecting these applications on January 18, 2018. Pursuant to the requirements of the *Planning Act*, a notice of the Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 20 days in advance of the Public Meeting. In addition, notices were sent by mail to twenty-one property owners (according to the latest Assessment Rolls) within 120 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard on January 9, 2018.

If the applications are approved, a Notice of Adoption and a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

**February 15, 2018**

**Page 6 of 6**

At the time of the writing of this report, there was no correspondence received and all planning related matters have been addressed within the body of this report. Any correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

**Accessibility Considerations:**

Not applicable

**Financial Considerations:**

Not applicable

**Contacts:**

Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252

Marnie Venditti, Manager, Development Approvals 613-546-4291 extension 3256

Annemarie Eusebio, Intermediate Planner 613-546-4291 extension 3183

**Other City of Kingston Staff Consulted:**

Not applicable

**Exhibits Attached:**

Exhibit A Draft By-Law and Schedule A to Amend the Official Plan

Exhibit B Draft By-Law and Schedule A to Amend Zoning By-Law Number 8499

**By-Law Number 2018-XXX**

**A By-Law To Amend The Official Plan For The City Of Kingston Planning Area  
(Amendment Number 59, 133 Dalton Avenue)**

**Passed:** [Meeting Date]

**Whereas** a public meeting was held regarding this amendment on January 18, 2018;

**Now Therefore** the Council of The Corporation of the City of Kingston, in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c.P13, hereby enacts as follows:

1. The Official Plan for the City of Kingston is hereby amended by the following map change which shall constitute Amendment Number 59 to the Official Plan for the City of Kingston.
  - (a) Amend Schedule '3-A' Land Use, of the City of Kingston Official Plan, so as to re-designate the property located at 133 Dalton Avenue, as shown on Schedule 'A' to By-Law Number 2018-xx, from General Industrial to Business Park Industrial, with the portion designated Environmental Protection Area to remain unchanged.
2. This by-law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this by-law in accordance with the provisions of Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Given all Three Readings and Passed: [Meeting date]

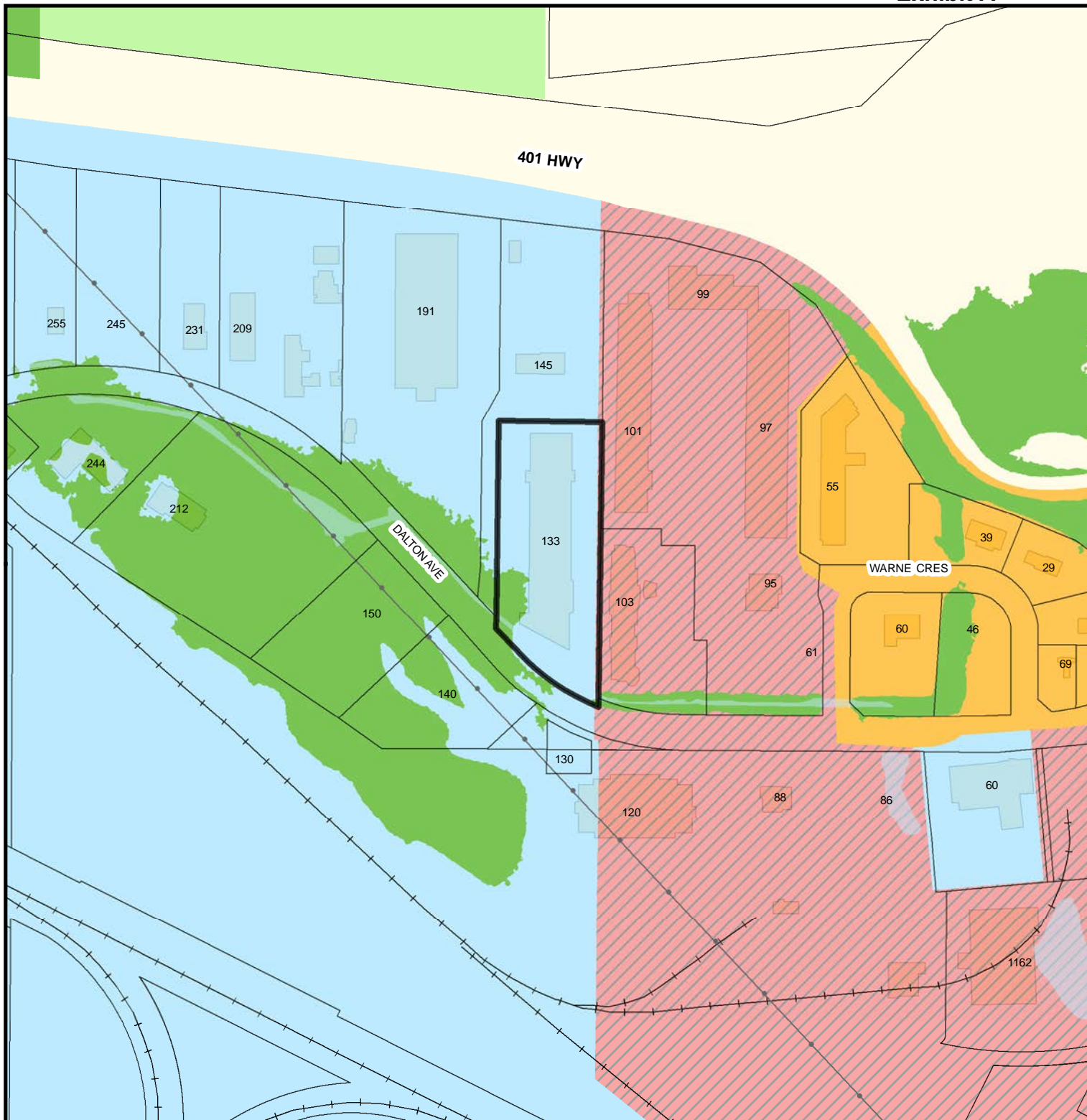
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**John Bolognone**  
City Clerk

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**Bryan Paterson**  
Mayor



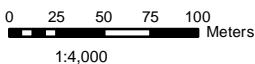


Planning, Building & Licensing Services

a department of Community Services

**SCHEDULE 'A' TO BY-LAW NUMBER OFFICAL PLAN AMENDMENT NUMBER 59**

Applicant: Fotenn Consultants Inc.  
 Owner: AXION DEVELOPMENT CORPORATION LTD.  
 File Number: D35-006-2017  
 Address: 133 Dalton Ave




PREPARED BY: Jpartridge  
 DATE: 1/26/2018

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**LEGEND**

**Official Plan Schedule 3-A, Land Use**

 Lands Subject to change from General Industrial to Business Park

**Certificate of Authentication**

This is Schedule 'A' to By-Law Number \_\_\_\_\_, passed this \_\_\_\_\_ day of \_\_\_\_\_ 2018.



Mayor \_\_\_\_\_

Clerk \_\_\_\_\_

**By-Law Number 2018-XX**

**A By-Law to Amend By-Law Number 8499, “Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston” (Zone Change from M ‘Industrial’ to site-specific Business Park M9.546 Zone, and Environmental Protection Area Zone, 133 Dalton Avenue)**

**Passed:** [Meeting Date]

**Whereas** by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal Corporation and pursuant to the Minister’s Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City; and

**Whereas** the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 8499, as amended, of the former City of Kingston;

**Therefore be it resolved that** the Council of the Corporation of the City of Kingston hereby enacts as follows:

- 1. By-Law Number 8499 of The Corporation of the City of Kingston, entitled “Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:
  - 1.1. Map 2 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from Industrial ‘M’ Zone to a site specific Business Park ‘M9.546’ Zone, as shown on Schedule “A” attached to and forming part of By-Law Number 2018-\_\_\_\_\_.
  - 1.2. By **Adding** the following section in Part VIII – Exceptions To Various Zone Classifications as follows:

**“546. 133 Dalton Avenue**

Notwithstanding the provisions of Section 31B hereof to the contrary, the lands zoned ‘M9.546’ on Schedule ‘A’ hereto, the following regulations shall apply:

- i. Permitted uses shall also include:
  - a) Professional office;

- b) Education centre;
- c) Commercial school.

ii. Permitted complementary uses, which shall not occupy an area which is greater than 25% of the total floor area of the building(s) on the lot, shall include:

- a) Retail store
- b) Bank or financial institution
- c) Recreational use
- d) Sports training and treatment centre
- e) Veterinary clinic
- f) Medical office
- g) Medical clinic
- h) Dental office
- i) Personal service shop
- j) Restaurant
- k) Coffee or bakery shop

iii. No landscaped area shall be required adjacent to the side or rear lot lines.”

2. This by-law shall come into force and take effect on the day it is passed subject to and in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended from time to time.

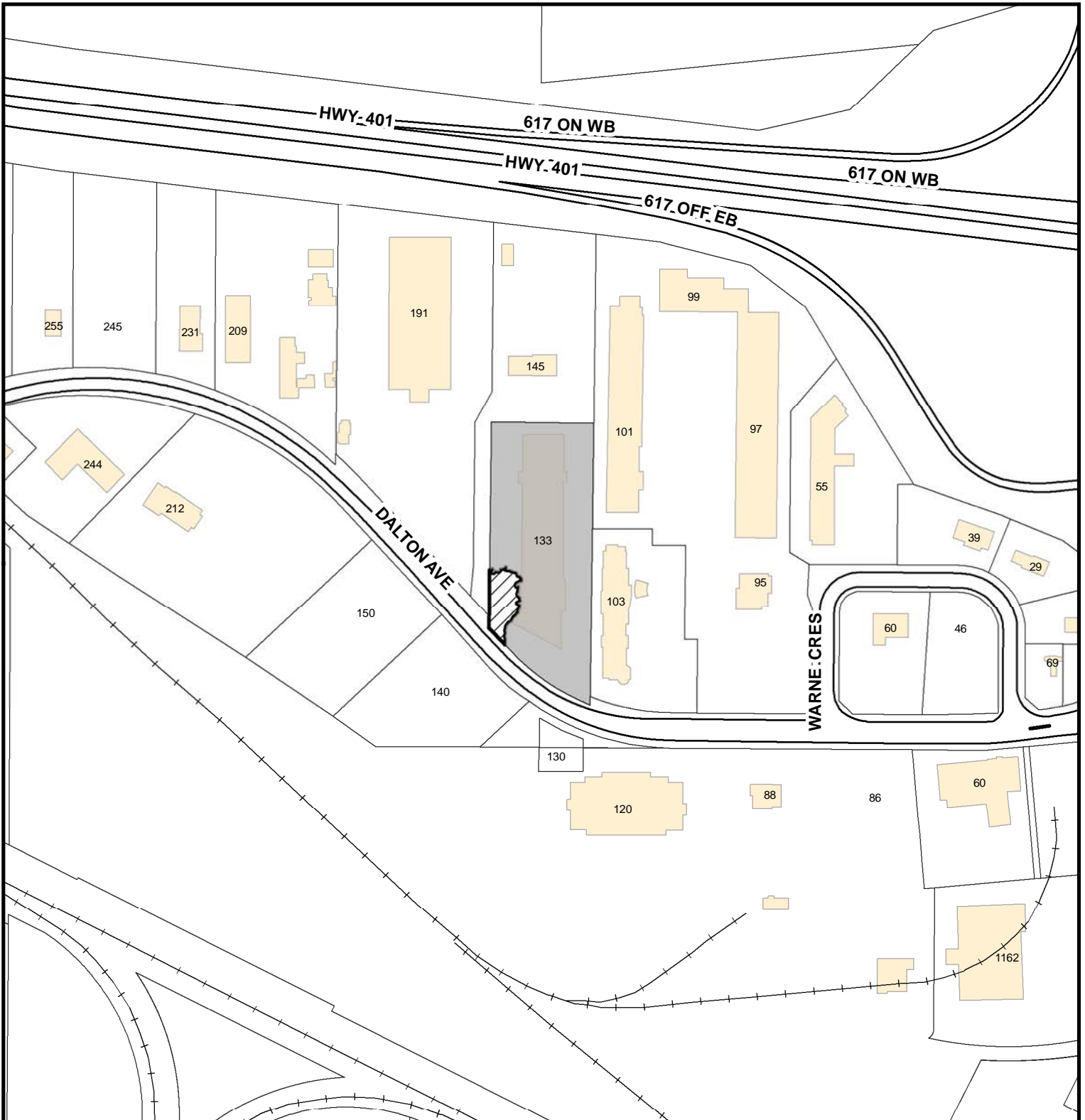
Given all Three Readings and Passed: [Meeting Date]

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**John Bolognone**  
City Clerk

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**Bryan Paterson**  
Mayor



Planning, Building & Licensing Services  
a department of  
Community Services

### SCHEDULE 'A' TO BY-LAW NUMBER

Applicant: Fotenn Consultants Inc.  
Owner: AXION DEVELOPMENT CORPORATION LTD.  
File Number: D35-006-2017  
Address: 133 Dalton Ave

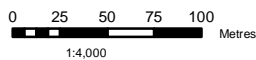
### LEGEND

#### Reference By-Law 8499, Map 2

- Rezoned from M to M9.546
- Rezoned from M to EPA

#### Certificate of Authentication

This is Schedule 'A' to By-Law Number \_\_\_\_\_,  
passed this \_\_\_\_\_ day of \_\_\_\_\_ 2018.



\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk