



**City of Kingston
Report to Committee of Adjustment
Report Number COA-21-027**

To: Chair and Members of the Committee of Adjustment
From: Phillip Prell, Planner
Date of Meeting: April 19, 2021
Application for: Permission
File Number: D13-010-2021
Address: 812 John Marks Avenue
Owner: Kingston East Medical Campus Corp.
Applicants: Clermont Group, Alex Adams (BLVD Group) & Jason Sands (BLVD Group)

Council Strategic Plan Alignment:

Theme: Business as usual

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for permission for the property located at 812 John Marks Avenue. The applicant is proposing to operate an independent exterior entrance/exit for a permitted clinic use, where only interior entrances for clinic uses are permitted in the clinic definition specified in Zoning By-Law Number 32-74. The proposed clinic use (pharmacy) at 812 John Marks Avenue, to be accessed externally, conforms with the uses already permitted in the medical campus and the alternative configuration meets the intent of the clinic definition and Zoning By-Law Number 32-74.

The requested application for permission under Section 45(2)(b) of the *Planning Act* is consistent with the general purpose and general intent of both the City of Kingston Official Plan and Zoning By-Law Number 32-74. The proposed clinic use is in keeping with the intent of the Zoning By-Law and represents appropriate and desirable development of the lot. Therefore, it is

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recommended that this application for permission under Section 45(2)(b) of the *Planning Act* be approved.

Recommendation:

That the application for permission, File Number D13-010-2021, for the property located at 812 John Marks Avenue be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-027.

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Authorizing Signatures:



Phillip Prell, Planner

Consultation with the following Management of the Community Services Group:

Tim Park, Acting Director, Planning Services

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Options/Discussion:

On February 17, 2021, an application for permission was submitted by Clermont Group, Alex Adams (BLVD Group) & Jason Sands (BLVD Group), on behalf of the owner, Kingston East Medical Campus Corp., with respect to the property located at 812 John Marks Avenue, referred to as “Building B” on the provided site plan (Exhibit G). The applicant is proposing to operate an independent exterior entrance/exit for a permitted clinic use, where only interior entrances for clinic uses are permitted in the clinic definition specified in Zoning By-Law Number 32-74.

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

- Site Plan (Exhibit G)
- Building Rendering (Exhibit H)
- Draft Building Internal Configuration (Exhibit I)

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 812 John Marks Avenue in the former Pittsburgh Township area, within the St. Lawrence Business Park medical campus. Within the medical campus the subject property is the first building to the east of the entrance area and is the closest clinic building to John Marks Avenue in the BP-2 zone (Exhibits B & G). According to a previous Zoning By-Law Amendment and Draft Plan of Subdivision application (File Number D35-002-2018, Report Number [PC-18-059](#)), the subject lot solely anticipated clinics/related office uses, and one restaurant (located west of the subject property), however other uses are also permitted. 812 John Marks Avenue is noted as “Building B” in the provided site plan as it is one building of many on the subject lot within the approved medical campus situated at the St. Lawrence Business Park (Exhibit G).

The subject property is designated “Business Park Industrial” as detailed in Schedule RC-1 ‘Rideau Community Secondary Plan’ of the Official Plan and zoned BP-2 in Zoning By-Law Number 32-74. As the property is to be considered as one lot for zoning purposes the entire subject lot abuts the Restricted Rural Zone (A1) to the north-east, currently vacant of buildings, one single detached dwelling in the Rural Residential Zone (RR) to the north, and other Business Park uses in the St. Lawrence Business Park (zoned BP-1) to the east and south. The BP-1 zone permits the following uses: business offices, banks/financial institutions, clinics, veterinary establishments, public recreation facilities, public uses, restaurants, and merchandise service shops. Within the BP-2 zone, 812 John Marks Avenue abuts the following existing/proposed uses: existing clinic uses and a public recreation facility, in addition to a proposed restaurant (Exhibit G).

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Application (Permission)

As stated in Subsection 45(2)(b) of the *Planning Act*, in addition to the powers of the Committee of Adjustment under subsection 45(1), the Committee, upon any such application, where the uses of land, buildings or structures permitted in the by-law are defined in general terms, may permit the use of any land, building or structure for any purpose that, in the opinion of the Committee, conforms with the uses permitted in the by-law.

In determining whether to permit a use under Section 45(2)(b), the test is not one of reasonableness; rather, the test is established by the statutory criteria of:

- 1) A similarity between the uses; and
- 2) Whether the proposed use is desirable for the appropriate development or use of the land.

Provincial Policy 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 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.

Official Plan

The subject property is in the St. Lawrence Business Park and is designated “Business Park Industrial” as detailed in Schedule RC-1 ‘Rideau Community Secondary Plan’ of the Official Plan. As the property is within the ‘Rideau Community Secondary Plan’ the Industrial Policies in section 10B.4, including the Business Park Industrial policies listed under 3.6.A of the Official Plan are applicable. Sections 3.6.A. and 10B.4 permit similar uses including: research and development facilities, offices, select light industries and warehousing, but the St. Lawrence Business Park area differs by also permitting medical laboratories and commercial uses that serve the business park. In the St. Lawrence Business Park, offices can include clinics and other professional uses. Both business park designations strive to create a high-quality visual/functional work environment in the form of extensive landscaping and by exhibiting a high standard of building/site design, where employment uses serve the surrounding community/City. The St. Lawrence Business Park is unique as it is the City’s eastern most business park, is accessible via the 401 & Highway 15, is subject to sections 3.6.A. and 10B.4 of the Official Plan and is more focused on employing/serving those in the surrounding Rideau Community.

The medical campus that includes 812 John Marks Avenue is the result of previous planning approvals, in which the goal was to establish a medical campus within the St. Lawrence Business Park. This medical campus shares 400+ parking spaces which serve clinic and related office type uses along with one restaurant to serve the campus. Within the campus “Building B”,

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municipally known as 812 John Marks Avenue, has two adjacent loading spaces and 7 parking spaces, two of which are accessible parking spaces.

When reviewing an application under Section 45(2)(b), the Committee of Adjustment must be satisfied that the proposed use complies with the six (6) criteria as per Section 9.5.17 of the Official Plan regarding the new use or clarification of uses. The subject application, requesting permission to allow external access for the proposed clinic use, which is a permitted use in the BP-2 zone, has been reviewed against these policies, provided below.

1. The proposed use is similar to the existing or permitted uses or more in conformity with the planned use(s);

The proposed use is one of many permitted office/clinic uses within the St. Lawrence Business Park Official Plan designation and is permitted by Zoning By-Law Number 32-74.

2. The site or building conditions will be substantially improved by the proposed change of use and can adequately accommodate the proposal;

The application for permission is not requesting a change in use, instead this application is related to how the permitted clinic use functions.

“Building B” (812 John Mark Avenue) is connected to other medical uses within the campus via an extensive pedestrian sidewalk and road network. The newly proposed exterior entrance/exit is on the south-eastern side is anticipated to be within approximately 10 metres of the main building entrance (Exhibit H). The new entrance/exit will not open onto loading spaces but will open onto a concrete sidewalk that is connected to the medical campus’ pedestrian sidewalk network (Exhibit G). This additional entrance/exit can be adequately accommodated at the proposed south-eastern location and will cause no functional issues with site operation (Exhibit H).

3. The proposed use is generally compatible with surrounding uses and can meet parking for vehicles and bicycles and other site standards of the general area with accessibility considerations as well as those standards necessary for the proposed use;

The medical campus has ample parking in general and for those who require accessibility spaces. Specifically, two accessible spaces and associated ramps are adjacent to “Building B”. The newly proposed entrance/exit is anticipated to be within 10-15 metres of both accessible spaces and would be approximately 10 metres from the main entrance/exit, so it should function as intended and not impact the adjacent building entrance. The proposed use is permitted in the BP-2 zone and can functional appropriately.

4. The proposed use does not create any noise, traffic or operational nuisance that cannot be mitigated to an acceptable level;

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The new clinic entrance should not create any noise, traffic or operational nuisance that cannot be mitigated to an acceptable level similar to the other clinic/office uses already permitted/in operation on the subject lot. This new entrance/exit will open onto the pedestrian sidewalk network in a similar fashion to other clinics within the medical campus such as the adjacent "Building B" entrance and the entrances for Buildings C & H (Exhibits G & H). Its operation should not have any negative effects on the abutting clinic uses in the immediate vicinity or the main entrance for "Building B".

5. Municipal infrastructure, roads and access conditions can accommodate the proposed use;

This proposal will not change the intensity of the permitted clinic use, the number of parking spaces, flows of vehicle traffic or any other changes besides proposing a dedicated entrance/exit contained within the medical campus. Municipal infrastructure, roads and access conditions will either be maintained or, in the case of pedestrian access will be improved by providing more specific entrance options for those visiting "Building B".

6. The proposed use will not negatively impact surrounding lands or buildings or inhibit them from developing for their intended use.

The proposed change in function will not negatively impact the operation of the abutting clinic uses or the adjacent main clinic entrance in the medicate vicinity nor will it inhibit them from developing for their intended uses or negatively impact the anticipated functionality.

The requested permission to allow a dedicated entrance/exit for a permitted clinic use in the 'BP-2' zone conforms with the 'Rideau Community Secondary Plan' and Business Park Industrial policies of the Official Plan, and meets the general intent and purpose of the City of Kingston Official Plan.

Zoning By-Law

The subject property is zoned BP-2 in the City of Kingston Zoning By-Law Number 32-74, as amended. The clinic use at "Building B" (812 John Marks Avenue) is a permitted use and only an additional entrance/exit is requested at this time, with no other proposed changes to the previously approved development. The entire BP-2 (and related BP-1) zone(s) does not have any entrance requirements, as such this request is not impacted by the BP-2 zoning policies. The requested permission is only impacted by the definition of a "clinic" use as listed in Zoning By-Law Number 32-74 and quoted below.

The definition of Clinic within Zoning By-Law Number 32-74 section 4(24) is written as follows:

""Clinic" means a building or part of a building that is used solely by physicians, dentists, and/or drugless practitioners, their staff, and their patients for the purpose of consultation, diagnosis, and office treatment and without limiting the generality of the foregoing, the building may include

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administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, **providing that all such uses have access only from the interior of the building or structure** [emphasis added], but shall not include accommodation for in-patient care or operating rooms for major surgery.”

The BP-2 zone requires that for the purposes of zoning the entire BP-2 zone shall be considered as one lot. A new entrance/exit for one building within the medical campus appears to fit the intent of this policy as the entire medical campus is considered as one lot. Despite the campus not being a building or structure, it is a single entity in terms of its zoning considerations and its functionality as a medical campus. This campus has its own internal walking, parking and driving network with multiple other clinic uses in close proximity. These other clinic uses can be visited or seen while entering/exiting the campus. This is like entering/leaving a medical practitioner’s office within a clinic with multiple practices with its own interior access as required by the “clinic” definition in Zoning By-Law Number 32-74.

The addition of a dedicated entrance/exit for a medical practitioner’s office within “Building B”, municipally known as 812 John Mark Avenue, fulfills the purpose and intent of Zoning By-Law Number 32-74 and its clinic definition.

Technical Review: Circulated Departments and Agencies

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Building Services | <input checked="" type="checkbox"/> Engineering Department | <input checked="" type="checkbox"/> Heritage (Planning Services) |
| <input type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input type="checkbox"/> Real Estate & Environmental Initiatives |
| <input checked="" type="checkbox"/> Fire & Rescue | <input checked="" type="checkbox"/> Kingston Hydro | <input checked="" type="checkbox"/> City’s Environment Division |
| <input checked="" type="checkbox"/> Solid Waste | <input checked="" type="checkbox"/> Parks Development | <input type="checkbox"/> Canadian National Railways |
| <input checked="" type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input type="checkbox"/> Ministry of Transportation |
| <input type="checkbox"/> KEDCO | <input checked="" 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, March 19, 2021, no public comments were 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 planning applications on the subject property, which encompasses the entire BP-2 zoning area. However, the subject building and lot configuration were the result the following previous planning applications: Zoning By-Law Amendment and Draft Plan of Subdivision with the associated file number: D35-002-2018, Final Plan of Condominium with the associated File Number: D07-003-2018 (Report Number [PC-19-025](#)), Final Plan of Subdivision with the associated File Number: D12-005-2018 and an application for Site Plan Control with the associated File Number: D11-001-2017.

Conclusion

The requested application for permission is consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 32-74. The use complies with the general intent of the Site Specific "BP-2" Business Park Zone and its permitted uses in the Official Plan, and the clinic is already a permitted use for the entire St. Lawrence medical campus.

Approval of this application will permit an additional entrance/exit to be utilized by the clinic operating at 812 John Marks Avenue for a single medical practitioner's office to be accessed from an exterior entrance/exit.

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

Zoning By-Law Number 32-74

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on April 19, 2021. 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 5 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.

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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:

Tim Park, Acting Director, Planning Services, 613-546-4291 extension 3223

Phillip Prell, Planner, 613-546-4291 extension 3219

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Public Notification Map
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Number 32-74 Map 4
- Exhibit F Neighbourhood Context Map (2020)
- Exhibit G Site Plan
- Exhibit H Building Rendering
- Exhibit I Draft Building Internal Configuration

Recommended Conditions of Approval:

Application for Permission, File Number: D13-010-2021

Approval of the foregoing variances shall be subject to the following conditions:

1. Limitation

That the approved variance applies only to the separate exterior entrance proposed at 812 John Marks Avenue for the independently accessed/operated clinic 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 or tenants as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide 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. Civic Addressing Requirement

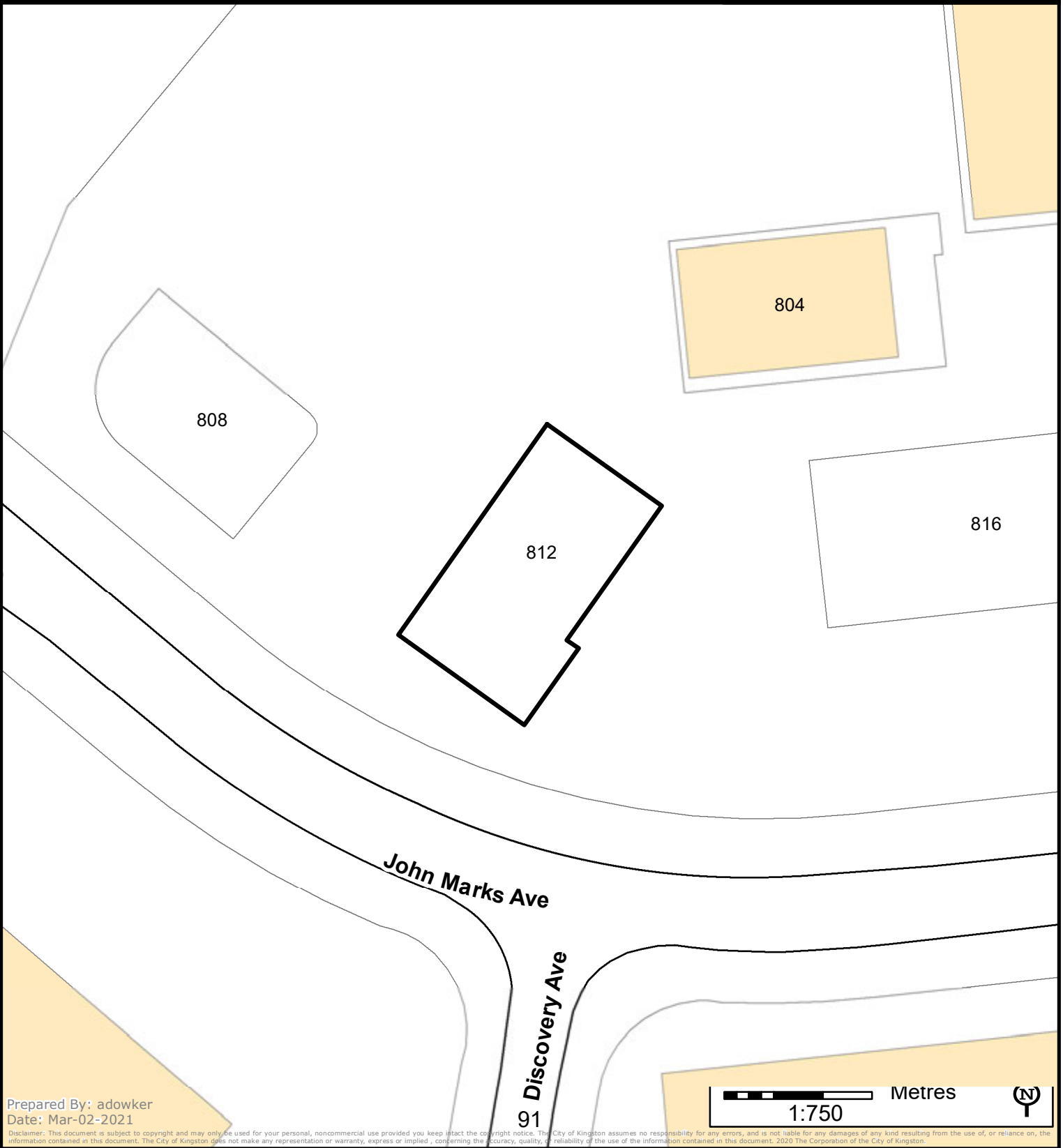
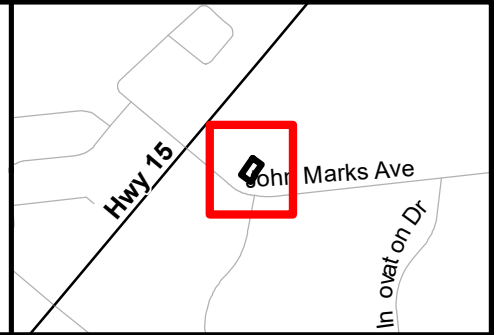
For a clinic use with more than one entrance, where one entrance allows independent access from the exterior of the building for a clinic use, prior to applying for a building permit the Owner shall apply for and obtain a separate civic address in the form of a different unit number than that of the one used for the other building entrance(s).



Committee of Adjustment
Key Map

Address: 812 John Marks Avenue
File Number: D13-010-2021

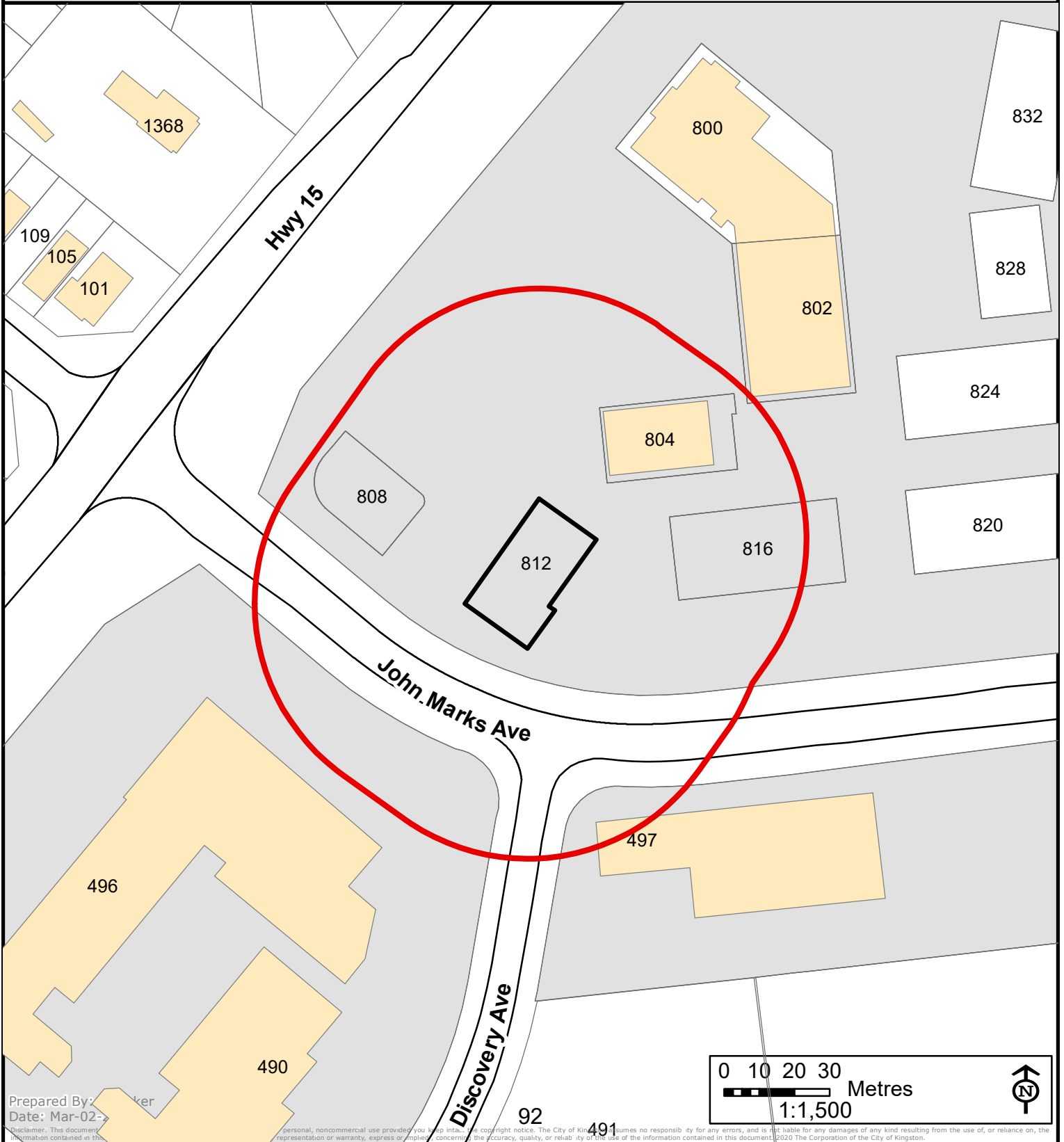
 Lands Subject to Permission





Committee of Adjustment
Public Notice Notification Map
Address: 812 John Marks Avenue
File Number: D13-010-2021

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



Prepared By: [Name]
Date: Mar-02-2021




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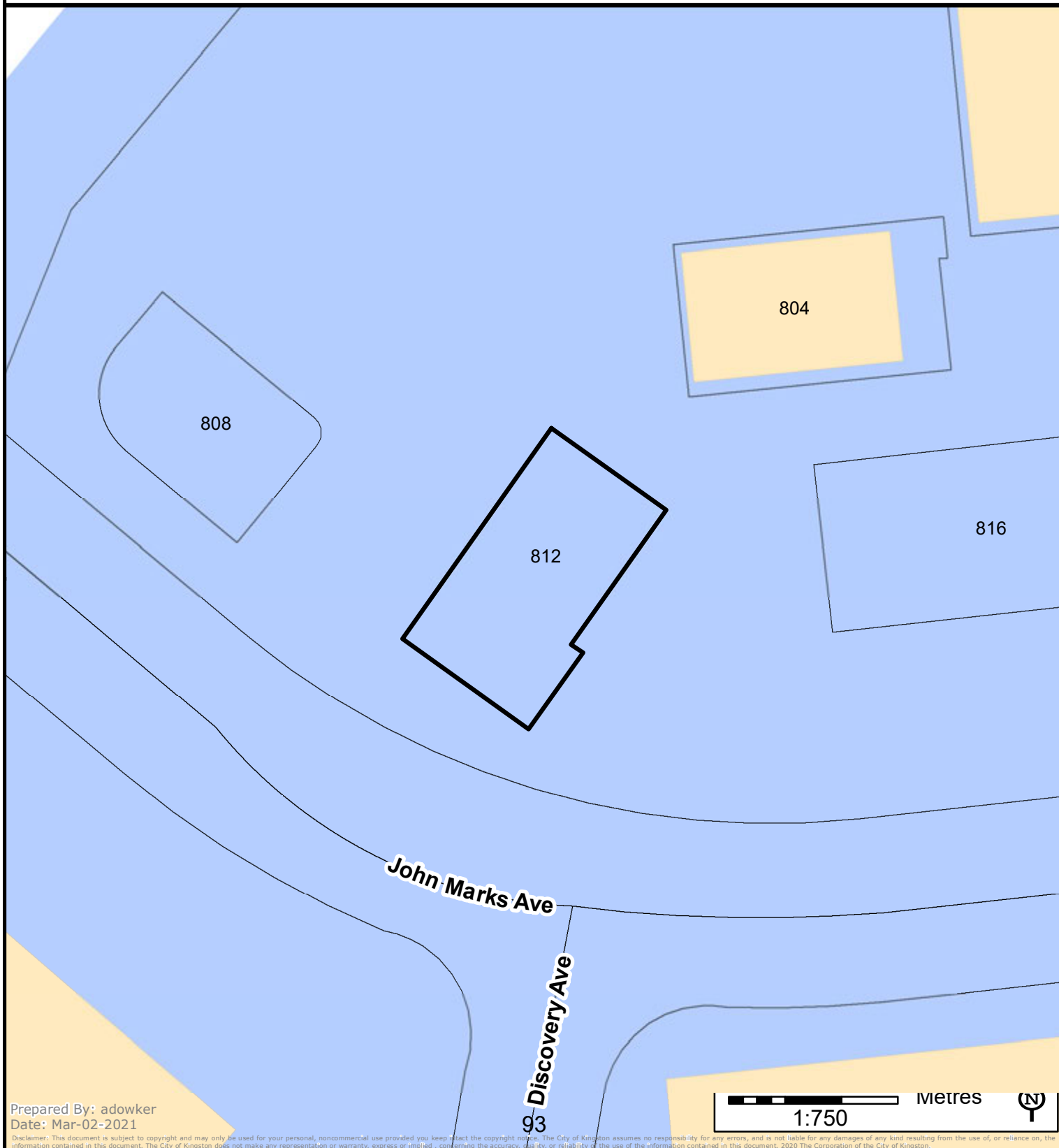


Planning Services

Committee of Adjustment
Official Plan, Existing Land Use

Address: 812 John Marks Avenue
File Number: D13-010-2021

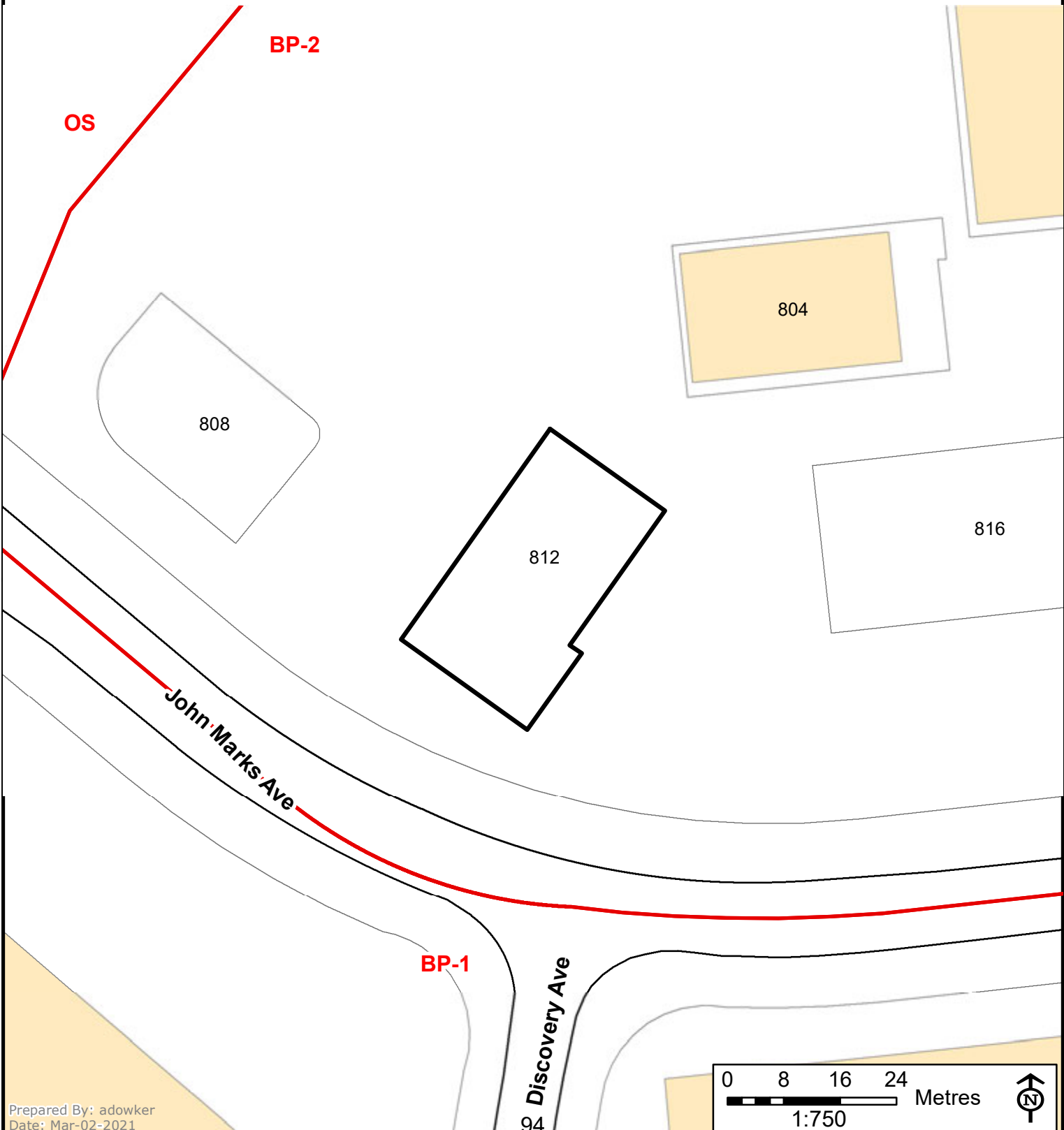
-  Subject Lands
-  SECONDARY PLAN AREA
- Rideau Community Secondary Plan
-  BUSINESS PARK INDUSTRIAL





Committee of Adjustment
Existing Zoning - By-law 32-74, Map 4
Address: 812 John Marks Avenue
File Number: D13-010-2021

- Subject Lands
- Consolidated Zoning

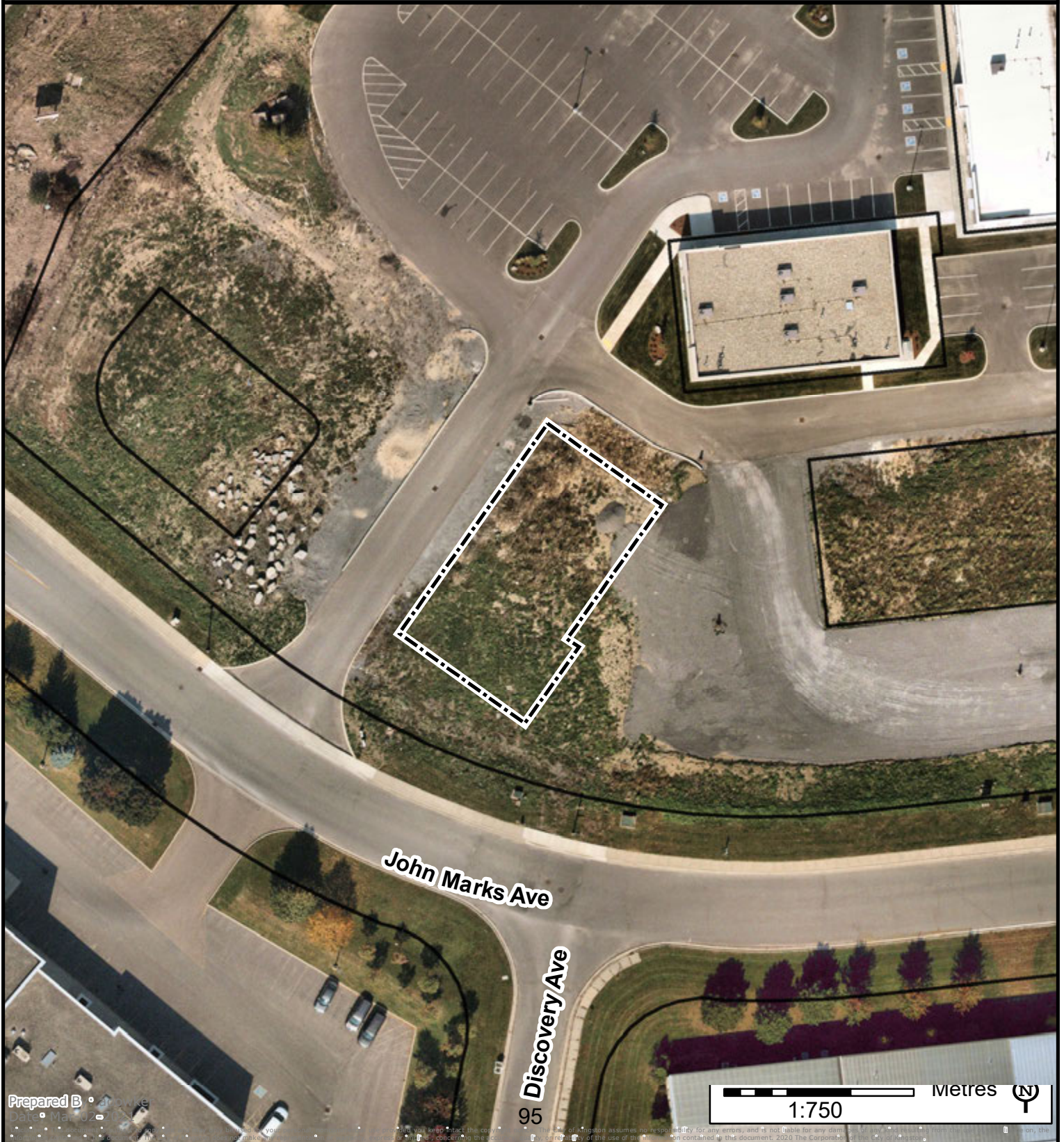




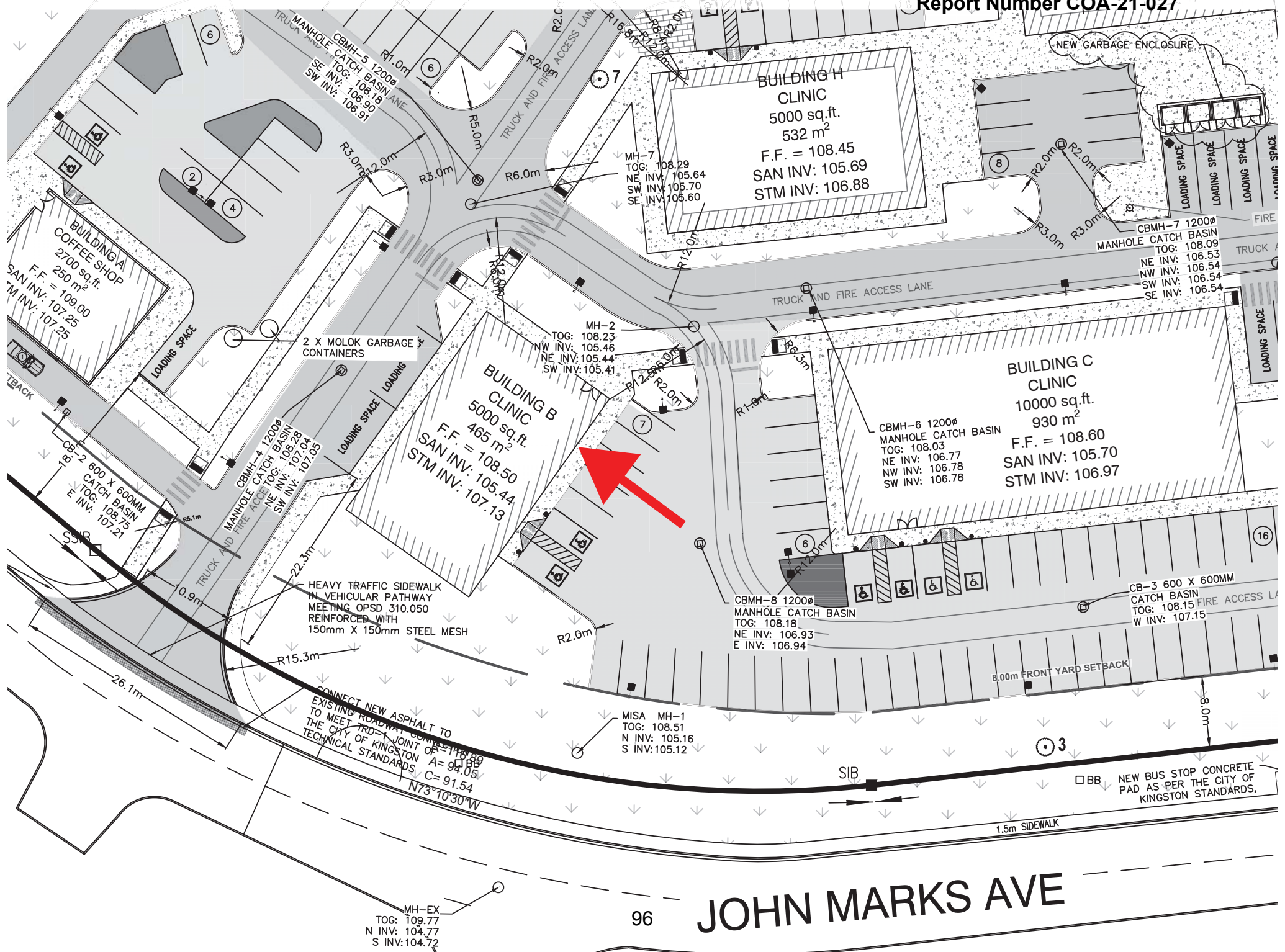
Committee of Adjustment
Neighbourhood Context (2020)

Address: 812 John Marks Avenue
File Number: D13-010-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels



...ING EQUALS 10 VEHICLES



96 JOHN MARKS AVE

MH-EX
TOG: 109.77
N INV: 104.77
S INV: 104.72

CONNECT NEW ASPHALT TO EXISTING ROADWAY TO MEET TRD TO THE CITY OF KINGSTON TECHNICAL STANDARDS
N73°10'30"W
A=118.80
B=94.05
C=91.54

MISA MH-1
TOG: 108.51
N INV: 105.16
S INV: 105.12

CBMH-8 1200Ø
MANHOLE CATCH BASIN
TOG: 108.18
NE INV: 106.93
E INV: 106.94

CBMH-6 1200Ø
MANHOLE CATCH BASIN
TOG: 108.03
NE INV: 106.77
NW INV: 106.78
SW INV: 106.78

BUILDING B
CLINIC
5000 sq.ft.
F.F. = 108.50
SAN INV: 105.44
STM INV: 107.13

MH-2
TOG: 108.23
NW INV: 105.46
NE INV: 105.44
SW INV: 105.41

BUILDING H
CLINIC
5000 sq.ft.
532 m²
F.F. = 108.45
SAN INV: 105.69
STM INV: 106.88

MH-7
TOG: 108.29
NE INV: 105.64
SW INV: 105.70
SE INV: 105.60

BUILDING C
CLINIC
10000 sq.ft.
930 m²
F.F. = 108.60
SAN INV: 105.70
STM INV: 106.97

CBMH-7 1200Ø
MANHOLE CATCH BASIN
TOG: 108.09
NE INV: 106.53
NW INV: 106.54
SW INV: 106.54
SE INV: 106.54

BUILDING A
COFFEE SHOP
2700 sq.ft.
250 m²
F.F. = 109.00
SAN INV: 107.25
STM INV: 107.25

2 X MOLOK GARBAGE CONTAINERS

CBMH-4 1200Ø
MANHOLE CATCH BASIN
TOG: 108.28
NE INV: 107.04
SW INV: 107.05

HEAVY TRAFFIC SIDEWALK IN VEHICULAR PATHWAY MEETING OPSPD 310.050 REINFORCED WITH 150mm X 150mm STEEL MESH

CB-3 600 X 600MM
CATCH BASIN
TOG: 108.15
W INV: 107.15

NEW GARBAGE ENCLOSURE

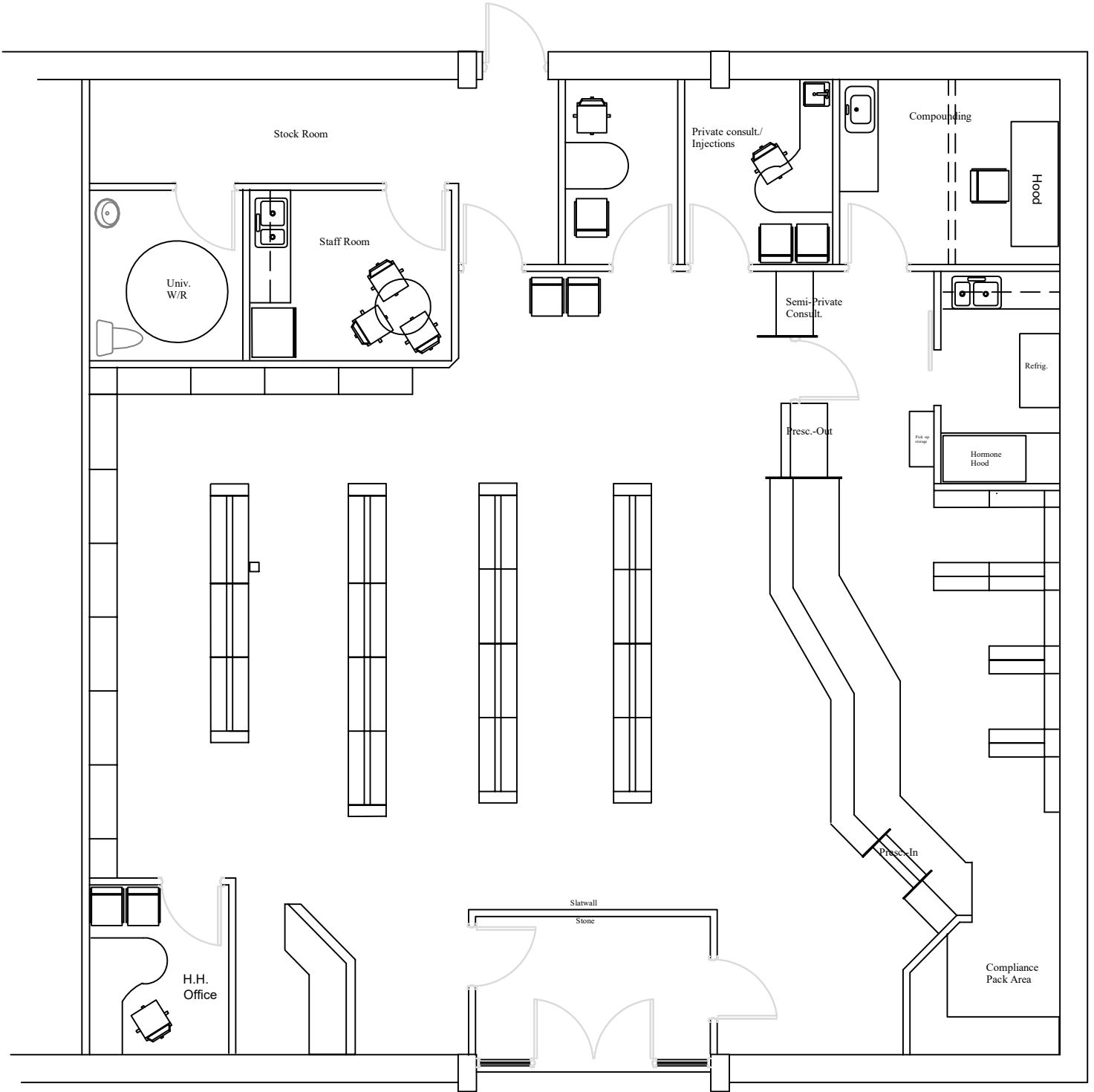
NEW BUS STOP CONCRETE PAD AS PER THE CITY OF KINGSTON STANDARDS.



① 81, T B -) RONT 9, (: _____



② 81,7 B - 5 (\$5 _____



St. Lawrence Business Park
Kingston