



**City of Kingston
Report to Committee of Adjustment
Report Number COA-21-030**

To: Chair and Members of the Committee of Adjustment
From: Lindsay Sthamann, Planner
Date of Meeting: April 19, 2021
Application for: Minor Variance
File Number: D13-007-2021
Address: 1093 Midland Avenue (1105 and 1111 Midland Avenue)
Owner: Trivirtus Gp I Inc
Applicant: Sovereign Design & Management Services (Joe Widjaja)

Council Strategic Plan Alignment:

Theme: 4. Strengthen economic development opportunities

Goal: 4.1 Support new and existing businesses

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the property located at 1093 Midland Avenue (1105 and 1111 Midland Avenue). The applicant is proposing to further develop the subject property by adding two restaurants, an automobile service station, and an additional shopping centre building to the existing shopping centre. The proposal requires a reduction to the minimum setback of a drive-through from a residential zone, a reduction in the minimum required number of parking spaces, a reduction to the minimum front yard setback for an automobile service station, and an increase to the maximum leasable gross floor area.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The requested minor variances are desirable for the appropriate development or use of the land, building or structure and are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

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Variance Number 1: Drive Through Service Facility Location

By-Law Number 76-26:Section 5(2A)(ii)

Requirement: 50 metres from closest part of a drive-through facility to a zone that permits a residential use

Proposed: 0 metres

Variance Requested:50 metres

Variance Number 2: Minimum Parking Space Requirement

By-Law Number 76-26: Section 5(16)(a) Shopping Centre

Requirement: 5.4 spaces per 100 square metres of gross leasable floor area

Proposed: 4.5 spaces per 100 square metres of gross leasable floor area

Variance Requested: 0.9 spaces per 100 square metres of gross leasable floor area

Variance Number 3: Minimum Front Yard Depth – Automobile Service Station

By-Law Number 76-26: Section 19(2)(d)(i)

Requirement: 50 feet

Proposed: 18 feet

Variance Requested: 32 feet

Variance Number 4: Maximum Gross Leasable Area

By-Law Number 76-26:Section 19(2)(k)

Requirement: 2000 square metres

Proposed: 3510 square metres

Variance Requested:1510 square metres

Recommendation:

That minor variance application, File Number D13-007-2021, for the property located at 1093 Midland Avenue (1105 and 1111 Midland Avenue) to reduce the minimum setback of a drive-through from a residential zone, reduce the minimum required number of parking spaces, reduce the minimum front yard setback for an automobile service station, and an increase to the maximum leasable gross floor area, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-030.

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Authorizing Signatures:



Lindsay Sthamann, Planner

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

Tim Park, Acting Director, Planning Services

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Options/Discussion:

On February 24, 2021, a minor variance application was submitted by Sovereign Design & Management Services (Joe Widjaja), on behalf of the owner, Trivirtus Gp I Inc, with respect to the property located at 1093 Midland Avenue (1105 and 1111 Midland Avenue). The variance is requested to further develop the subject property by adding two restaurants, an automobile service station, and an additional shopping centre building to the existing shopping centre. The proposal requires a reduction to the minimum setback of a drive-through from a residential zone, a reduction in the minimum required number of parking spaces, a reduction to the minimum front yard setback for an automobile service station, and an increase to the maximum leasable gross floor area.

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

- Site Plan (Exhibit H)
- Planning Justification Report (with Parking Study)
- Revised Traffic Impact Study
- Topographic Survey

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 on the west side of Midland Avenue, north of Princess Street (Exhibit B – Key Map). The 15,678 square metre parcel of land has 128 metres of road frontage on Midland Avenue and contains two existing commercial structures (Exhibit C – Neighbourhood Context Map)

The subject property is designated ‘Arterial Commercial’ in the Official Plan (Exhibit E – Official Plan Map) and zoned ‘C2 – General Commercial’ in Zoning By-Law Number 76-26 (Exhibit F – Zoning Map). The subject site is abutting single family dwellings to the west and commercial properties to the north (Automotive Repair), east (Walmart and The Beer Store) and to the south (LCBO Store).

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:

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Provincial Policy Statement

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

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

The subject property is designated 'Arterial Commercial' in the City of Kingston Official Plan.

The Arterial Commercial designation is a special purpose designation for a limited range of goods and services, such as hospitality uses, automotive uses, restaurants to serve the travelling public, or uses that require large sites on a major road to display specialized goods in an outdoor setting. The Arterial Commercial designation is not intended to accommodate types of retail goods and services that are planned for other designations in the retail hierarchy.

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. The following provides these nine requirements and an assessment of how the proposal is consistent with each.

1. The proposed development meets the intent of Section 2 Strategic Policy Direction, and all other applicable policies of this Plan;

According to Section 2 and Schedule 2 of the Official Plan, the subject property is located within a Centre & Corridor. Section 2.2.7 of the Plan states that these areas of the City are those of mixed use and mixed buildings, including employment, residential, commercial and supporting uses and facilities. The application represents commercial development that is compatible with the existing built form and the site's location on an Arterial Road.

2. The proposed development will be compatible with surrounding uses, buildings or structures and development standards associated with adjacent properties, and if necessary, incorporate means of alleviating adverse effects on abutting land uses as recommended in Section 2.7 of this Plan

No adverse impacts on neighbouring properties related to shadowing, wind, loss of privacy, or visual intrusion are anticipated. The variances are focused on the front of the property near Midland Avenue. The property fronts on an Arterial Road which is well-served by transit, and is designed to serve relatively high volumes of traffic. Vehicle

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parking is contained to the site, and no additional access routes from Midland Avenue are proposed.

3. The ability of the site to function in an appropriate manner in terms of access, parking for vehicles and bicycles or any other matter and means of improving such function including considerations for universal accessibility;

The minor variance to reduce the parking ratio from 5.4 spaces per 100 square metres to 4.5 per 100 square metres is supported by a parking study prepared by GHD Engineering dated January 19, 2021. The property currently contains 120 parking spaces and 174 are proposed at final build-out.

The parking study completed for the commercial development project on Midland Avenue evaluated the number parking spaces needed for the proposed site using the existing commercial site to determine the existing parking supply and usage rates. The number of parking spaces needed was compared to the parking requirements according to the City of Kingston's zoning by-law and the Accessibility for Ontarians with Disabilities criteria. The number of parking spaces required according to the zoning by-laws for the cities of Kitchener, Waterloo and London was also calculated and compared to the requirements from the City of Kingston's zoning by-law. The industry standard methodology of determining parking need was also verified to assess the parking demand at the site. The study recommends a ratio of 4.5 spaces per 100 square metres of gross floor area (158 spaces) however the applicant has chosen to supply 16 spaces more than the study suggests. No negative impacts are anticipated.

4. The conformity of the proposal to any applicable urban design policies endorsed by Council, particularly if the site includes or could impact a built heritage resource or is within a Heritage District;

The site is not within a heritage conservation district, is not a designated heritage property, and is not adjacent to any identified heritage resources.

5. If the site is designated under the *Ontario Heritage Act*, the application shall be reviewed by Heritage Kingston for approval. If the property is adjacent to a designated property under the *Ontario Heritage Act* or shown as a Heritage Area feature, or is affected by the protected views shown on Schedule 9 of this Plan, then a Heritage Impact Statement may be required to assist staff to determine if the resulting development is desirable;

The property is not designated under the Ontario Heritage Act, nor is it adjacent to any heritage properties. The site is not within a heritage character area. A Heritage Impact Statement is not required.

6. The resulting development has adequate municipal water and sewage services within the Urban Boundary, or is capable of providing individual on-site water and sewage services outside the Urban Boundary;

The property is within the Urban Boundary as shown on Schedule 2 of the Official Plan. The site is on full existing municipal services.

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7. Whether the application and the cumulative impact of the proposed variances would be more appropriately addressed by a zoning amendment to the applicable zoning by-law;

The proposed use of a shopping centre is supported by the Arterial Commercial land use designation. The requested relief on maximum gross leasable floor area is considered minor in nature. A zoning by-law amendment is not required.

8. The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of the application for a minor variance including any reasonable requirements, recommendations of City departments, or the submission of studies as listed in Section 9.12 of this Plan that may be required to properly evaluate the application;

A number of conditions are being recommended as part of the approval, as found in Exhibit A – Recommended Conditions.

9. The degree to which such approval may set an undesirable precedent for the immediate area.

It is not anticipated that an undesirable precedent will be set based on the approval of the requested variance.

The proposal meets the intent of the Official Plan, as the proposed minor variances to permit a shopping centre will not result in any negative impacts to adjacent properties or to the neighbourhood.

2) The general intent and purpose of the zoning by-law are maintained

The subject property is zoned ‘C2 – General Commercial’ in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The C2 zone permits a shopping centre consisting of any of the other permitted uses in the C2 zone. All uses proposed in this shopping centre are permitted in the C2 zone.

The proposal requires variances to Section 5 and Section 19 as outlined below.

Variance Number 1: Drive Through Service Facility Location

By-Law Number 76-26: Section 5(2A)(ii)
Requirement: 50 metres from closest part of a drive-through facility to a zone that permits a residential use
Proposed: 0 metres
Variance Requested: 50 metres

Variance Number 2: Minimum Parking Space Requirement

By-Law Number 76-26: Section 5(16)(a) Shopping Centre
Requirement: 5.4 spaces per 100 square metres of gross leasable floor area
Proposed: 4.5 spaces per 100 square metres of gross leasable floor area
Variance Requested: 0.9 spaces per 100 square metres of gross leasable floor area

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Variance Number 3: Minimum Front Yard Depth – Automobile Service Station**By-Law Number 76-26:** Section 19(2)(d)(i)**Requirement:** 50 feet**Proposed:** 18 feet**Variance Requested:** 32 feet**Variance Number 4: Maximum Gross Leasable Area****By-Law Number 76-26:** Section 19(2)(k)**Requirement:** 2000 square metres**Proposed:** 3510 square metres**Variance Requested:** 1510 square metres**Variance Number 1: Drive Through Service Facility Location**

A drive-through facility is subject to Section 5(2A)(ii) of the zoning by-law. The intent of Section 5(2A)(ii) is to ensure sufficient separation of the noise created by drive-through facilities, including stacking lanes, speaker systems and microphone systems from nearby residential uses. The provision requires a 50 metre separation from a residential use or zone that permits a residential use. As the subject property and the property to the south (1089 Midland Avenue) are zoned 'C2', an accessory dwelling unit is permitted in the upper portion of a non-residential building. Therefore, the requested minor variance seeks relief to permit a drive-through facility 0.0 metre from a zone that permits a residential use. The subject property or 1089 Midland Avenue is not anticipated to be developed with a residential dwelling unit in the upper portion of the existing or proposed non-residential buildings. The proposed drive-through facility is not anticipated to adversely affect the existing commercial use or any future development on the subject or abutting site.

A residential zone and existing residential dwellings are located west of the subject site. The proposed drive-through facility is located approximately 90 metres from the residential zones to the west which complies with the minimum drive-through setback requirements of the zoning by-law.

To the east of the subject property, on the other side of Midland Avenue are commercial uses (Walmart and The Beer Store) which are zoned 'C5-11' in Zoning By-Law Number 76-26. The 'C5-11' zone prohibits residential dwellings and therefore the requested variance will not have any negative impacts on the abutting commercial uses.

A minor variance was approved by the Committee of adjustment in 2018 (File Number D13-014-2018 * provide hyperlink) to permit a drive-through with a 0.0 metre setback to a lot that permits a residential use. This variance is being sought again due to changes in the layout which nullified the previous variance. It is a technical exercise.

Variance Number 2: Minimum Parking Space Requirement

Zoning By-Law Number 76-26 requires 5.4 spaces per 100 square metres of gross leasable floor area. This works out to 189 parking spaces for a 3,506 square metre

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shopping centre including 8 parking spaces split evenly between Type A and Type B accessible parking spaces. The total number of parking spaces proposed is 174 including 9 accessible parking spaces. The difference between required and provided is 15 spaces.

The intent of the minimum parking provisions is to ensure that a site is adequately able to accommodate the generated parking demand. A parking study was conducted by GHD Engineering to evaluate the number of parking spaces required for this development. The study concludes that a ratio of 4.5 spaces per 100 square metres of gross leasable floor area is appropriate; this would result in 158 required parking spaces. The applicant has applied to reduce the parking ratio to 4.5 per 100 square metres despite their intention to supply more than the 158 parking spaces this ratio results in to increase flexibility on the site in the future. They have proposed 174 spaces at this time.

The parking study indicates that the proposed 175 parking spaces will be more than enough to accommodate the parking needs for the development as a whole and therefore satisfy the intent of the Zoning By-Law.

Variance Number 3: Minimum Front Yard Depth – Automobile Service Station

The applicant has requested to vary the front yard depth for an 'automotive service station' use from 50 feet to 18 feet. The variance is requested in order to increase the density of on the property and place the Oil Change Operation in an appropriate configuration with other buildings on the Site. The applicant did consider the option of rotating the Oil Change Operation building 90 degrees to increase the front yard setback but was restricted by the underground electrical power line located to the north of the proposed building (reference site plan for detailed location of underground power line).

The proposal exceeds the required side yard width for an automotive service station. A setback of 30 feet is required from the north property line and 107 feet is proposed.

The applicant has agreed to providing landscaping between Midland Avenue and the automobile service station. For all other uses in the zone the front yard setback is 10 feet, this proposal is almost double the setback required for other uses. The variance maintains the intent of the Zoning By-Law to adequately buffer sensitive uses from an automobile service station.

Variance Number 4: Maximum Gross Leasable Area

The applicant is proposing to increase the maximum gross leasable floor area from 2000 square metres to 3510 square metres.

The following table includes a breakdown of the existing and proposed buildings, the uses, and the size of each building:

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| Building | Status | Use | Size |
|----------|----------|---|---------------------------------|
| A | Proposed | Restaurant/Retail | 190 square metres |
| B | Existing | Retails Stores/Restaurant | 619 square metres |
| C | Existing | Retail Store | 1042 square metres |
| D | Proposed | Drive-Through Restaurant | 239 square metres |
| E | Proposed | Permitted uses in the C2 Zone | 1195 square metres ² |
| F | Proposed | Automotive Service Station (Oil Change) | 221 square metres |
| | | | Total: 3506 square metres |

The 2000 square metre maximum was intended to limit the size and scale of shopping centres in the C2 zone and to prevent the overdevelopment of a site. This site is still able to accommodate adequate parking (as per parking study by GHD Engineering) and meet the required landscaped open space of 10%. The increase in maximum gross floor area represents the infilling of an existing shopping centre and the efficient use of land. The function of the site is not impeded by the increase in gross leasable floor area and the intent of the by-law is maintained.

3) The variance is minor in nature

The variance is considered minor as the proposed uses are all permitted on the site. The variances attempt to mitigate any negative impacts on the residential properties to the West and the streetscape of Midland Avenue. The automotive service station use will not create any adverse effects on surrounding residential neighbours given its position fronting onto Midland Avenue. The use will also be less intrusive than a 24-hour fuel service station/convenience store and its related traffic, noise and lights. The original approved site plan had Building E as office space, which would have been excluded from the 2000 square metre cap on gross leasable floor area. The new proposal considers any permitted use in the C2 zone for Building E including the potential for office or retail space. The variance is requested to increase long-term-flexibility for the site acknowledging that the demand for office or retail space may differ across the lifetime of this shopping centre. No negative impacts on the neighbouring properties are anticipated as part of this variance application.

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

The proposed variances on the subject property will have negligible impact on adjacent properties. Surrounding land uses are compatible with the Proposed Development. A strong retail/commercial base surrounds the Site with established commercial land uses along with high quality successful tenants. Proposed Development is compatible with the existing retail/commercial corridor along Midland Avenue. The Proposed Development is located within the settlement area, along a traffic corridor, is fully serviced and has regular transit service. Additionally, the Proposed Development will provide larger and better positioned retail/commercial uses that are not currently available to local residents. The proposal is will provide for variation and flexibility in future tenants of the shopping centre.

The variances are desirable and appropriate use of the land.

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 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 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 type="checkbox"/> Hydro One | <input type="checkbox"/> Enbridge Pipelines | <input type="checkbox"/> TransCanada Pipelines |
| <input type="checkbox"/> Kingston Airport | | |

Technical Comments

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

Public Comments

At the time this report was finalized, no public comments 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

File Number D11-067-2014

A Site Plan Control application was approved in 2016 for 1093 Midland Avenue. This application permitted the construction of the two existing buildings on-site. The design of the remaining building has changed post approval and a site plan amendment application will be required prior to construction of any new buildings.

File Number D13-014-2018

A minor variance application was approved by the Committee of adjustment in 2018 to permit a drive-through with a 0.0 metre setback to a lot that permits a residential use. This variance is being sought again due to changes in the layout which nullified the previous variance approval.

Conclusion

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 76-26. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variance(s) are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will permit the construction of four new buildings in the existing shopping centre with a reduced setback for a drive-through, reduced parking ratio, reduced front yard setback for an automobile service facility, and an increased maximum gross leasable floor area.

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 76-26

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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 77 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.

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

Lindsay Sthamann, Planner, 613-546-4291 extension 3287

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2020)
- Exhibit D Public Notification Map
- Exhibit E Official Plan Map
- Exhibit F Zoning By-Law Number 76-25, Map 3
- Exhibit G Site Photos
- Exhibit H Site Plan

Recommended Conditions

Application for minor variance, File Number D13-007-2021

Approval of the foregoing application shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variance applies only to the proposed shopping centre, drive-through, and parking area 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 Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132) 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 Registrar of Cemeteries at the Ministry of Government and Consumer Services (416-212-7499), the Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.




Planning Services

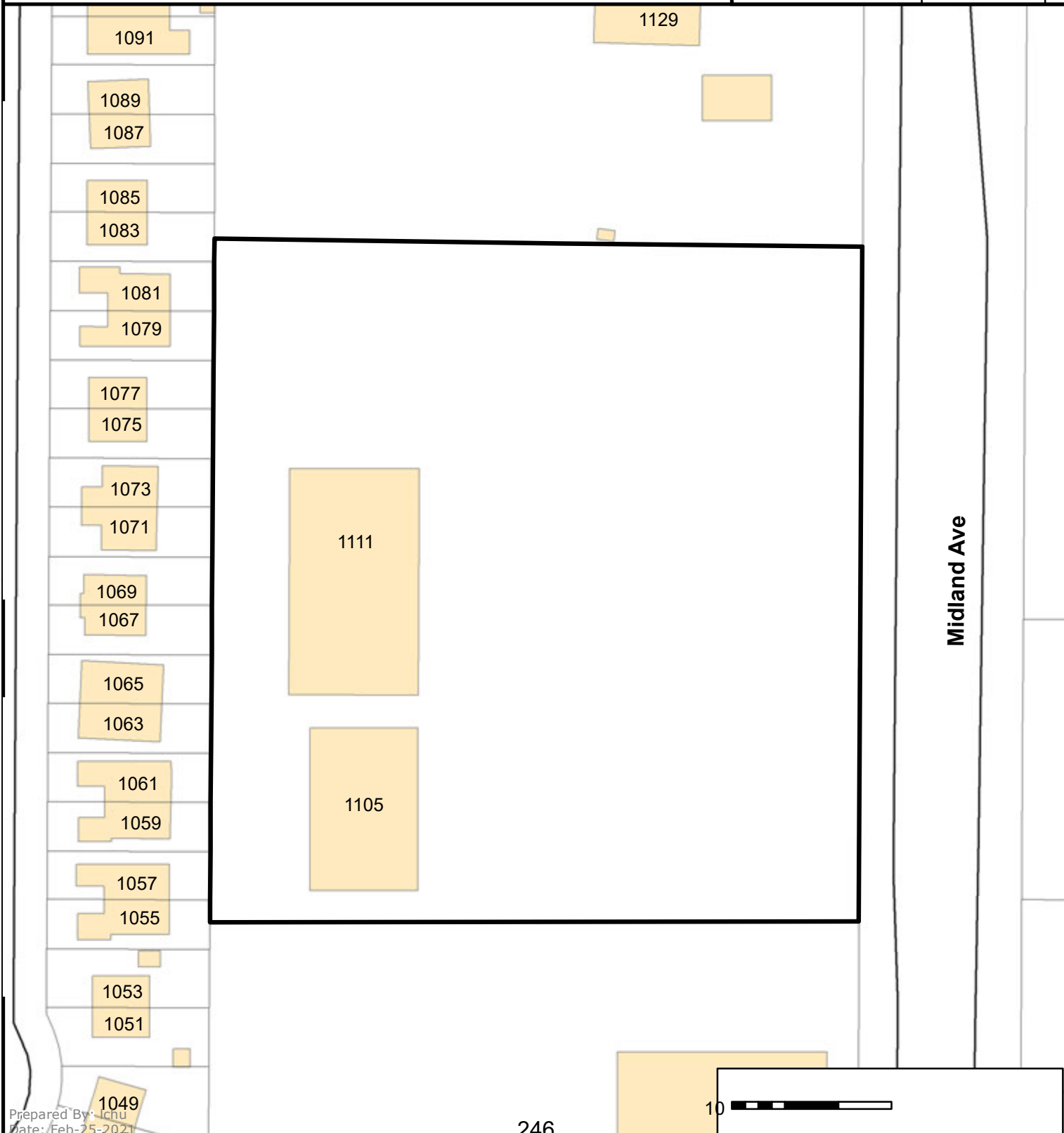
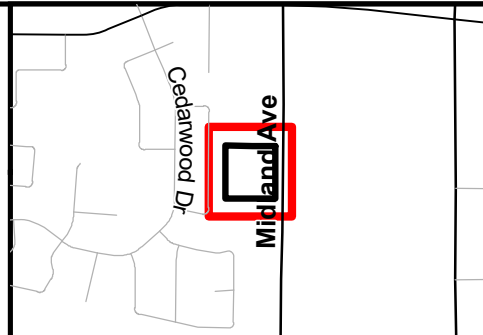
Committee of Adjustment

Key Map

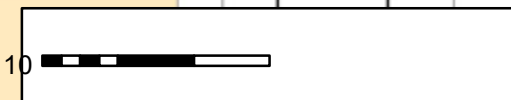
Address: Midland Ave

File Number: D13-007-2021

 Lands Subject to Minor Variance



Prepared By: Jchu
Date: Feb-25-2021





Committee of Adjustment Neighbourhood Context (2020)

Address: Midland Ave
File Number: D13-007-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels







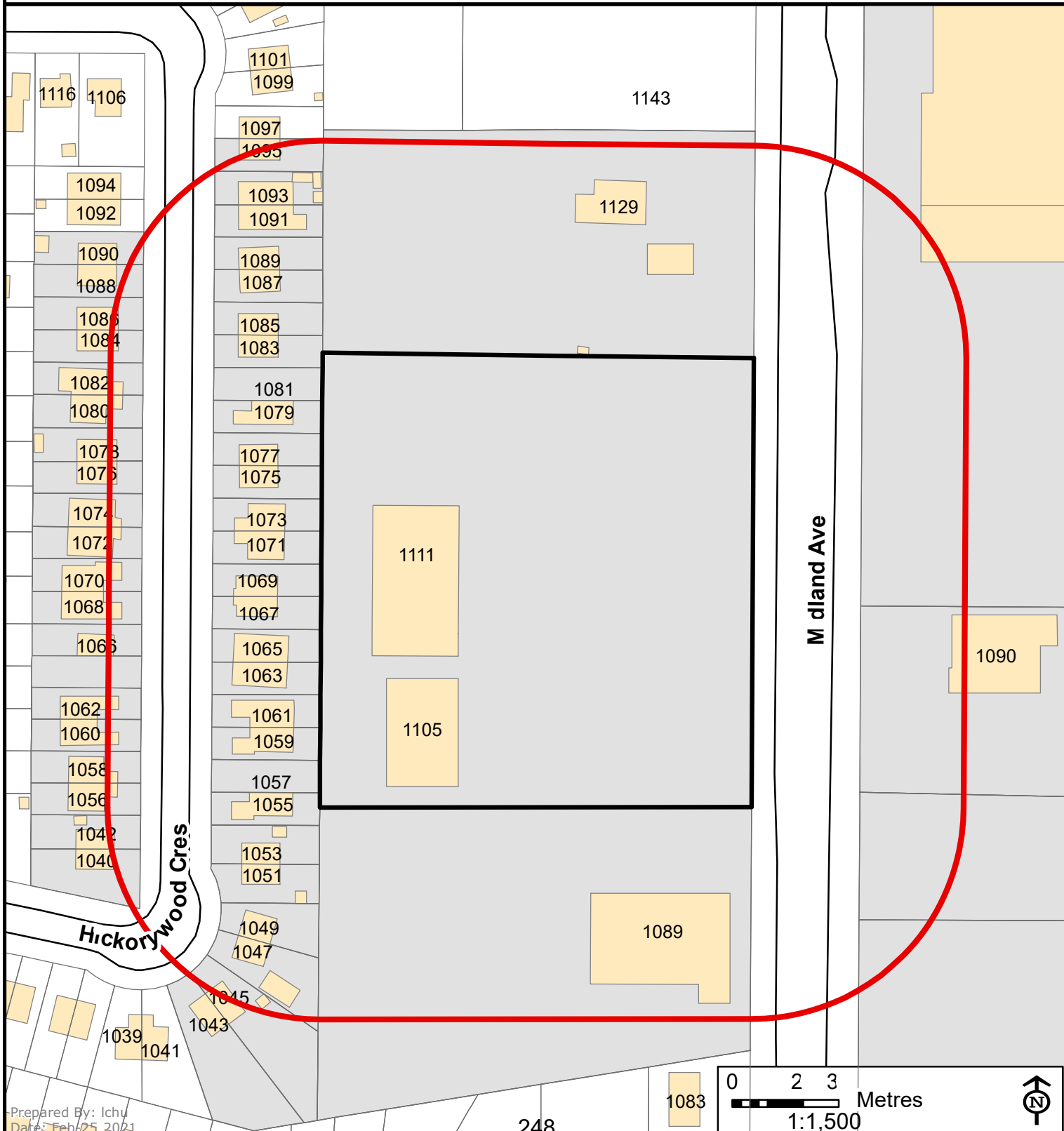


Planning Services

Committee of Adjustment Public Notice Notification Map

Address: Midland Ave
File Number: D13-007-2021

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







Prepared By: Ichu
Date: Feb/25/2021

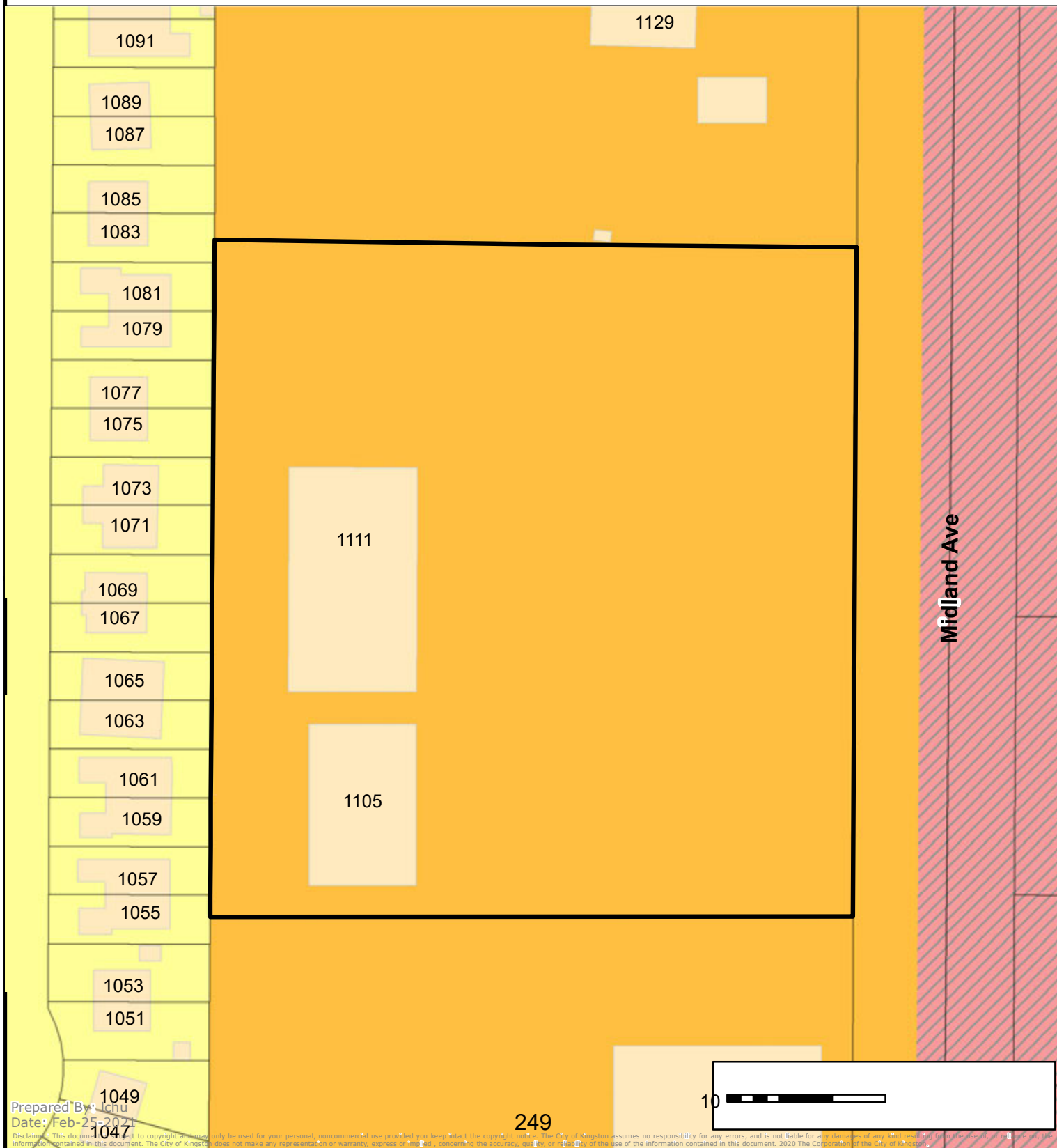


Planning Services

Committee of Adjustment Official Plan, Existing Land Use

Address: Midland Ave
File Number: D13-007-2021

-  Subject Lands
-  ARTERIAL COMMERCIAL
-  REGIONAL COMMERCIAL
-  RESIDENTIAL

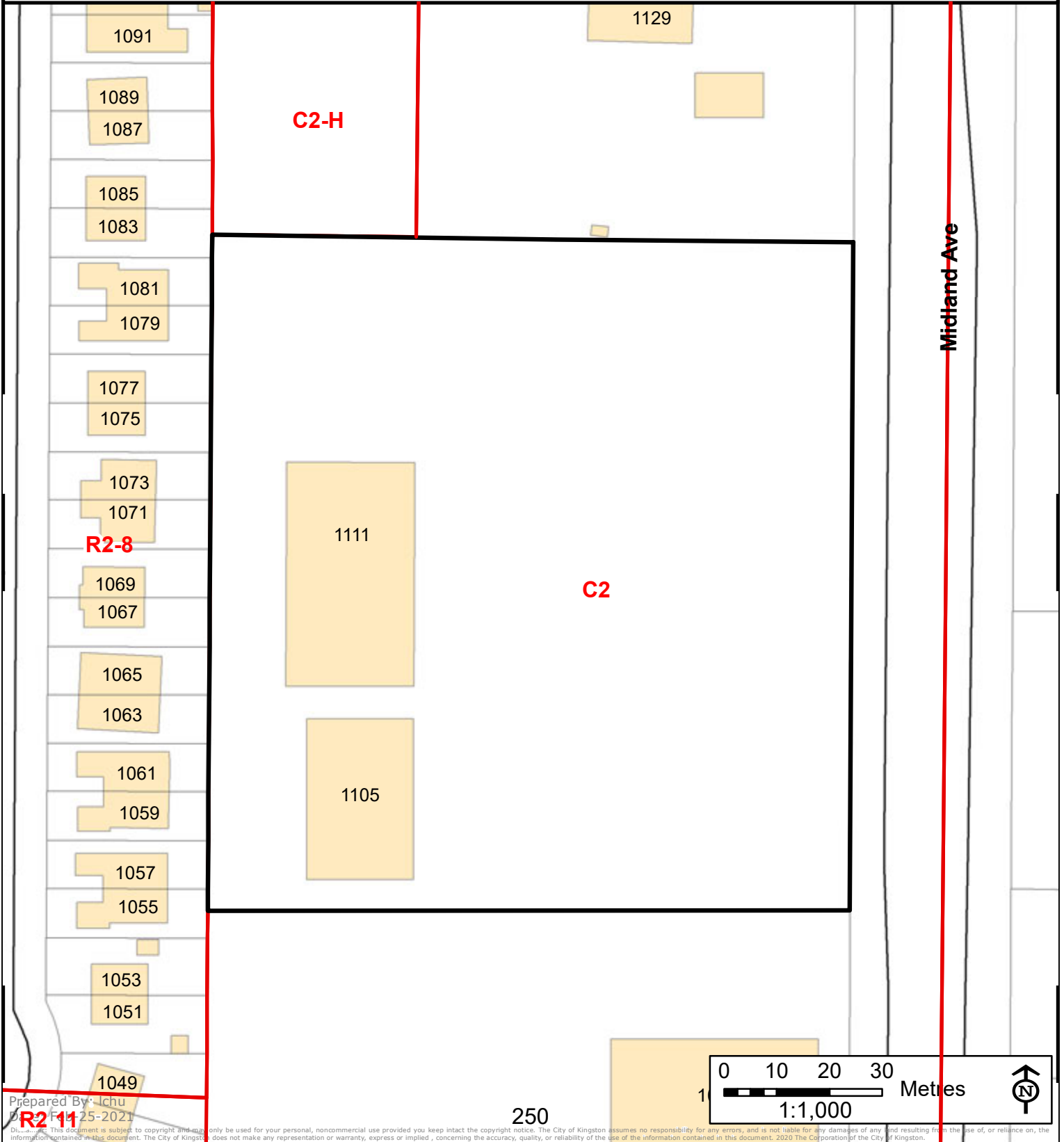


Prepared By: Jchu
Date: Feb-25-2021



Committee of Adjustment
Existing Zoning - By-law 76-26, Map 3
Address: Midland Ave
File Number: D13-007-2021

Subject Lands
 Consolidated Zoning



Site Photos (From Google Street View)

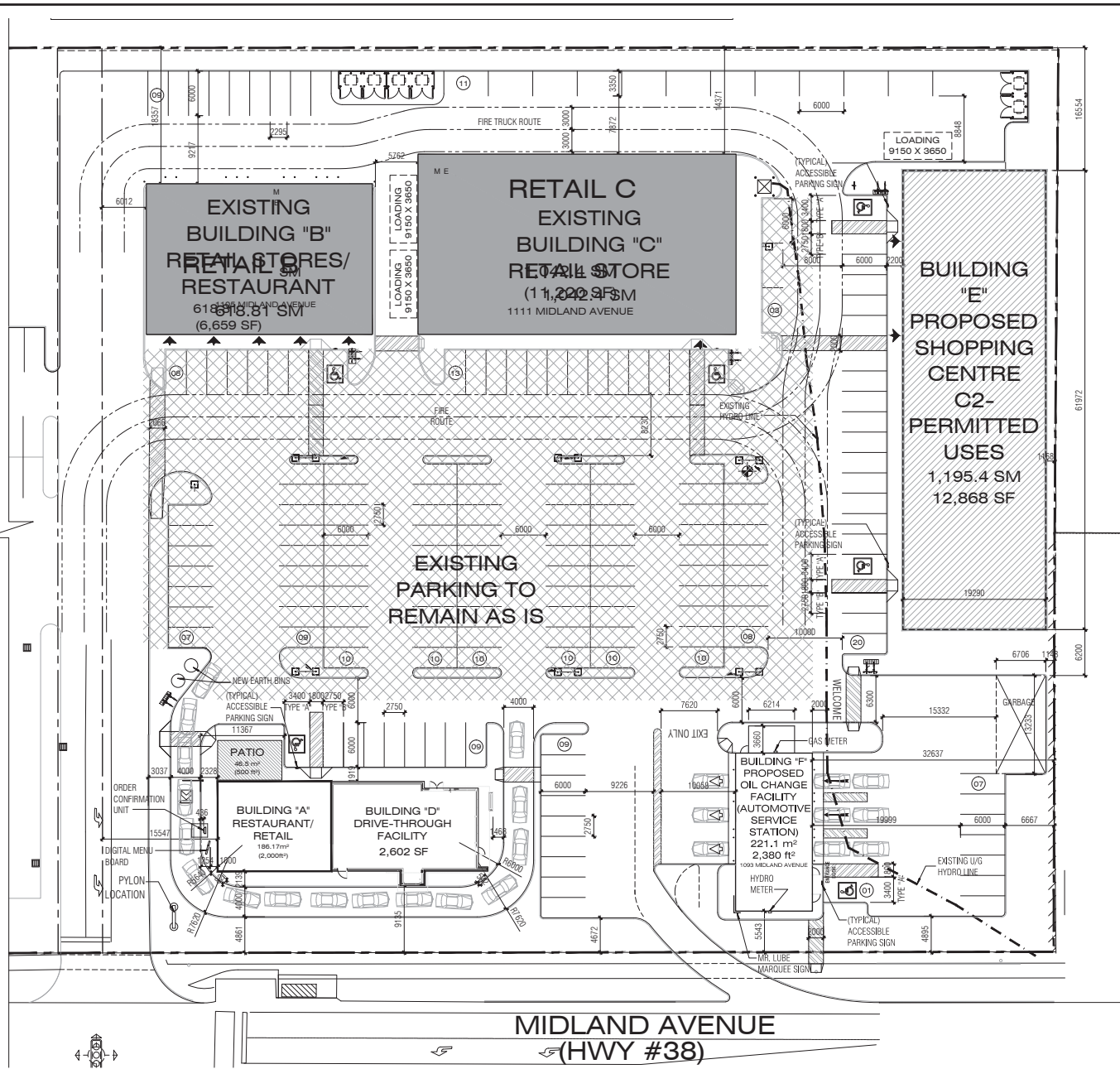




- GENERAL NOTES:
1. THIS DRAWING IS THE PROPERTY OF SEMS IN CONFORMITY WITH CURRENT COPYRIGHT LEGISLATION UNDER THE ARCHITECTS ACT OF ONTARIO AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE PRIOR WRITTEN APPROVAL OF SEMS.
 2. DRAWINGS ARE NOT TO BE SCALED. TOLERANCES MAY APPLY TO DIMENSIONS REFERRING TO EXISTING BUILDING OR SITE CONDITIONS.
 3. THE CONTRACTOR SHALL VERIFY ALL SITE CONDITIONS, DIMENSIONS, DRAWINGS, DETAILS AND SPECIFICATIONS, AND REPORT ANY DISCREPANCIES TO THE ARCHITECT IN WRITING AT LEAST ONE WEEK BEFORE ORDERING OR INSTALLING CONSTRUCTION MATERIALS OR MAKING ANY MATERIAL CHANGES TO THE WORK INVOLVING SUCH DISCREPANCIES, ERRORS OR OMISSIONS. SHOULD THE CONTRACTOR FAIL TO OBSERVE THESE CONDITIONS, THE ADDITIONAL EXPENSE FOR REMEDIAL WORK SHALL BECOME THE RESPONSIBILITY OF THE CONTRACTOR AND NOT OF SEMS UNDER ANY CIRCUMSTANCE.
 4. ANY CONSTRUCTION DETAIL CHANGES, SUBSTITUTIONS OF MATERIALS OR SPECIFIED ITEMS ARE NOT ACCEPTABLE UNLESS WRITTEN APPROVAL OR REVISION DRAWINGS INDICATING THE CHANGE(S) HAVE BEEN OBTAINED FROM SEMS.
 5. READ ALL DRAWINGS IN CONJUNCTION WITH THE GENERAL NOTES AND SPECIFICATIONS.
 6. REPORT IN WRITING ALL UNCOVERED DISCREPANCIES OR CHANGES REQUESTED BY THE AUTHORITIES HAVING JURISDICTION TO SEMS PRIOR TO CONSTRUCTION, MANUFACTURING OR INSTALLATION. ANY DRAWING REVISIONS MUST BE PREPARED BY SEMS OR OTHER CONSULTANTS AS DIRECTED BY SEMS.
 7. THE DRAWING HEREIN IS NOT ISSUED FOR CONSTRUCTION UNLESS OTHERWISE INDICATED.



| APPLICANT INFORMATION | | | |
|-----------------------------------|----------------------------------|----------------|----------|
| OWNER | Tivolis Real Estate Inc. (TREP) | | |
| ADDRESS | 8-1718 Egmont Ave E. Mississauga | | |
| TELEPHONE | 905 822 2888 | | |
| PROPERTY INFORMATION | | | |
| 1093 MIDLAND AVE. KINGSTON | | | |
| PROPOSED DEVELOPMENT | | | |
| RETAIL DEVELOPMENT | | | |
| SITE PLAN AND BUILDING STATISTICS | | | |
| | PERMITTED | PROPOSED | |
| LOT AREA | 15,710 | 15,710 | |
| BUILDING AREA | 3,926.65 | 12,868.00 | |
| LOADING SPACE | 2,300.00 | 1,938.00 | |
| MAXIMUM OFFICE | | + 1,538.00 | |
| ZONING STATISTICS | | | |
| ZONING CATEGORY | EXISTING | PROPOSED | |
| | C2 | C2 | |
| LOT COVERAGE TABLE | | | |
| | REQUIRED | PROPOSED | |
| TOTAL BUILDING AREA | % | m ² | % |
| 2000m ² | 25.00 | 3906.7 | 24.86 |
| TOTAL PAVED AREA | % | m ² | % |
| 1000 | 100 | 3628.2 | 23.09 |
| TOTAL LANDSCAPE AREA | % | m ² | % |
| 1000 | 100 | 1844.5 | 11.74 |
| TOTAL LOT COVERAGE | % | m ² | % |
| 3000 | 100 | 3906.7 | 24.86 |
| ZONE PROVISIONS | | | |
| | REQUIRED | PROPOSED | |
| NUMBER OF UNITS | N/A | 0.0 | |
| HEIGHT OF BUILDINGS | 10.70 | 7.00 | |
| LOADING SPACES | 3 | 3 | |
| FRONT YARD SETBACK | 3.1 | 5.14 | |
| REAR YARD SETBACK | 7.6 | 14.37 | |
| ANTERIOR YARD SETBACK | | | |
| SOUTH PROPERTY LINE | 0.0 | 0.01 | |
| NORTH PROPERTY LINE | 0.0 | 1.17 | |
| NORTH PROPERTY LINE (AUTOMOTIVE) | 5.14 | 32.04 | |
| PARKING REQUIREMENTS | | | |
| | REQUIRED | REQUIRED | PROPOSED |
| SHOPPING CENTRE | 8.4 per 100m ² | 106.4 | 174.0 |
| OTHER PARKING | | | |
| NUMBER OF ACCESSIBLE PARKING | | | 8 |
| TOTAL NUMBER OF PARKING | | | 114 |



1 A01 SITE PLAN
SCALE: NTC

| | | | |
|---|---|----------|--------------|
| 1. 28/Jan/21 | Submitted for Minor Variance and Site Plan Approval | JW | |
| No. | Date | Revision | Drawn |
| Contractor must verify all job dimensions, drawings, details and specifications and report any discrepancies to designers before proceeding with work. SEMS will not be liable for any errors and omissions not reported by General Contractor. | | | |
| DO NOT SCALE DRAWINGS. | | | |
| Project | | | |
| SHOPPING CENTRE DEVELOPMENT | | | |
| Title | | | |
| SITE PLAN | | | |
| 1093 - 1117 MIDLAND AVENUE, KINGSTON, ONTARIO | | | |
| Drawn | JW | Date | JANUARY 2020 |
| Checked | CD | Scale | NOTED |
| Revised | No. | | |
| Project | | Drawing | |
| 19-M01 | A01 | | |
| Signature | | Date | |
| This drawing not to be used for construction until counter-signed. | | | |
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