



**City of Kingston
Report to Committee of Adjustment
Report Number COA-21-033**

To: Chair and Members of the Committee of Adjustment
From: Tim Fisher, Planner
Date of Meeting: April 19, 2021
Application for: Permission
File Number: D13-011-2021
Address: 292 Dalton Avenue
Owner: City of Kingston
Applicant: 2783001 Ontario 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 under Section 45(2)(b) of the Planning Act for the property located at 292 Dalton Avenue. The applicant is proposing to further define the industrial uses in the Industrial 'M' zone to include a Truck and Trailer Training Centre. A Trucking or Freight Terminal is currently a permitted use in the Industrial 'M' Zone in Zoning By-Law Number 8499.

Section 45(2)(b) of the *Planning Act* states that 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.

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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 8499, and is recommended for approval.

Recommendation:

That the application for permission, File Number OTD13-011-2021, for the property located at 292 Dalton Avenue to further define the industrial uses in the Industrial 'M' zone to include a Truck and Trailer Training Centre, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-033.

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Authorizing Signatures:



Tim Fisher, Planner

Consultation with the following Management of the Community Services Group:

Tim Park, Acting Director, Planning Services

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Options/Discussion:

On March 22, 2021, an application for permission was submitted by OT2783001 Ontario Inc., on behalf of the owner, OTCity of Kingston, with respect to the property located at 292 Dalton Avenue. The application for permission is requested to further define the industrial uses in the Industrial 'M' zone in Zoning By-Law Number 8499 to include a Truck and Trailer Training Centre.

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

- Site Plan (Exhibit F)
- Floor Plans (Exhibit G)
- 13R-21356 (Exhibit H)

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 292 Dalton Avenue (Exhibit B). The vacant undeveloped property has road frontage on Dalton Avenue and Cattail Place. The applicant is proposing to construct a 557 square metre, two storey industrial building.

The subject property is designated General Industrial in the Official Plan and zoned Industrial 'M' Zone in Zoning By-Law Number 8499. The property abuts other industrial properties.

Application (Permission)

As stated in Subsection 45(2)(b) of the *Planning Act*, that 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.

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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 designated General Industrial in the Official Plan. The goal of the General Industrial designation is to provide suitable areas for a broad range of employment uses that include manufacturing, warehousing, construction and transportation activities and other employment uses with similar operating characteristics and locational requirements.

The main uses permitted within the General Industrial designation include:

- a. manufacturing, assembling, fabricating, and processing operations;
- b. construction and transportation activities and facilities;
- c. storage, warehousing, and wholesale trade activities;
- d. communications facilities and utilities;
- e. automotive, heavy equipment, and truck repair facilities, and towing compounds;
- f. institutional uses with General Industrial characteristics, as outlined in Section 3.5.3 of this Plan; and,
- g. municipal works yards and water treatment and sewage treatment facilities, subject to the policies of Section 3.2 of this Plan.

The General Industrial designation permits transportation activities which includes a truck or freight terminal. A training facility would be considered a secondary or complimentary use to the principle use however the applicant is proposing the truck and trailer training centre as the principle use.

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 introduce a truck and trailer training centre as a permitted use in the Industrial 'M' zone in Zoning By-Law Number 8499, 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);

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The General Industrial designation permits transportation activities which includes a truck or freight terminal and the Industrial 'M' Zone in Zoning By-Law Number 8499 permits a truck or freight terminal. A truck and trailer training facility would be considered an accessory use to the principle use truck or freight terminal use. The proposed truck and trailer training centre as a principle use will not result in a 'new' use in the 'M' zone however to only provide clarity for a training facility to be a principle use.

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

The subject property is currently vacant. The applicant proposes to construct a 557 square metre, two storey industrial building with warehouse storage, truck and trailer parking, a truck and training education center, cross docks, offices and a truck and trailer repair for vehicles associated with the truck training facility (if required).

The proposed development is subject to the Site Plan Control application process. Technical issues pertaining to the proposed development will be addressed through the Site Plan Control application process.

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 subject property is located in an area designated and zoned for industrial uses. There is a mixture of Industrial uses located along Dalton Avenue and St. Remy Place. the site. Motosport Plus is located to the north a door/window and trim manufacturer to the east, a contractors yard and a truck and trailer repair facility to the south and CSN Collision centre to the west.

The applicant is proposing truck and trailer parking and vehicle parking on-site. The location and number of parking spaces will be addressed through the Site Plan Application Process.

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

The truck and trailer training centre will not create any noise, traffic or operational nuisance that cannot be mitigated to an acceptable level similar to the other industrial uses on abutting properties. The proposed use will not have any negative impacts on the abutting industrial uses or interfere with their continued use.

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

The subject property has frontage on two (2) municipal roads. The proposed site plan indicated an entrance and access from Cattail Place and Dalton Avenue. The property is

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serviced with municipal water and sewer services and will not result in the need to provide an extension of services to accommodate the development on the site. A servicing and grading plan will be required through the Site Plan Control Application process.

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

The proposed use will not negatively impact the abutting industrial uses nor will it inhibit them from developing for their intended uses.

The subject property is not a protected heritage property nor is it adjacent to a protected heritage property. The subject property has been cleared of archaeological potential. There are no other heritage concerns

The subject property is located within 300 metres of Highway 401 to the north and the CNR Railway Corridor to the south. Ministry of Transportation has no concerns with the proposed use however during the Site Plan Control application process, they will review the Storm Water Management Plan to ensure there are no impacts to the Highway. A noise and vibration study will be required through the Site Plan Control Application process.

The subject property abuts the K&P Trail which is located along the western lot line. The Parks Department has requested additional landscaping along the K&P Trail through the Site Plan Control Application process. The applicant shall submit a landscaping plan as part of the Site Plan Control Application process.

The requested permission to permit a Truck and Trailer Training Facility in the Industrial 'M' zone in Zoning By-Law Number 8499, complies with the General Industrial designation policies and meets the general intent and purpose of the City of Kingston Official Plan.

Zoning By-Law

The subject property is zoned Industrial 'M' Zone in the City of Kingston Zoning By-Law Number 8499, as amended. Section 31A. of the 'M' zone permits a variety of Industrial uses including:

- (a) farms,
- (b) market gardens, nursery / garden centre / greenhouse,
- (c) any manufacturing, compounding, processing, treating, assembling, repairing packaging establishment which is not obnoxious by reason of the emission of contaminants as defined in the Environmental Protection Act, 1971 or its legal successor, and which has obtained a certificate of approval as required under the Act,
- (d) distributing plants, trucking or freighting terminals, wholesale businesses, storage buildings and warehouses.

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- (e) laboratories
- (f) laundries and cleaners,
- (g) animal hospitals, kennels and shelters,
- (h) a watchman's quarters,
- (i) accessory buildings to any use permitted in M zone,
- (j) accessory uses which are clearly subordinate to use permitted in the M zone. These accessory uses include retailing provided that no accessory retail uses shall occupy an area which is greater than 25% of the total floor area of all buildings on the lot.

By virtue of the established zone on the site, a truck or training terminal is a permitted use. The educational and training component would be permitted as an accessory use. The applicant is proposing a truck and trailer training facility as the principle use while provided the opportunity to provide other related permitted uses in the proposed building.

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 checked="" type="checkbox"/> Finance | <input checked="" type="checkbox"/> Utilities Kingston | <input checked="" 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 checked="" type="checkbox"/> Canadian National Railways |
| <input type="checkbox"/> Housing | <input checked="" type="checkbox"/> District Councillor | <input checked="" type="checkbox"/> Ministry of Transportation |
| <input checked="" 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, there were no written concern or objections received by the public. 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 is consistent with the general intent and purpose of both the City of Kingston Official Plan and Zoning By-Law Number 8499. The proposed truck and trailer training facility will be in keeping with the list of permitted uses in the 'M' zone and the existing abutting industrial uses. Any new development on the site will be subject to the requirements of the Industrial 'M' Zone in Zoning By-Law Number 8499 and be subject to the Site Plan Control Application Process.

Approval of this application will permit a truck and trailer training facility to be developed as a principle use on the subject site.

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 8499

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 8 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

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Financial Considerations:

None

Contacts:

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

Tim Fisher, Planner, 613-546-4291 extension 3215

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 8499, Map 2
- Exhibit F Site Plan
- Exhibit G Floor Plans
- Exhibit H 13R-21356
- Exhibit I Photo
- Exhibit J Neighbourhood Context Map (2020)

Recommended Conditions

Application for permission, File Number D13-011-2021

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

1. Limitation

That the approved permission applies only to subject site and the truck and trailer training facility as a permitted use under Section 45(2)(b) of the Planning Act.

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 through the Site Plan Control Application Process.

3. Landscaping

Additional landscaping will be addressed through the Site Plan Control Application Process. The applicant shall submit a landscaping plan through the Site Plan Control Application Process.




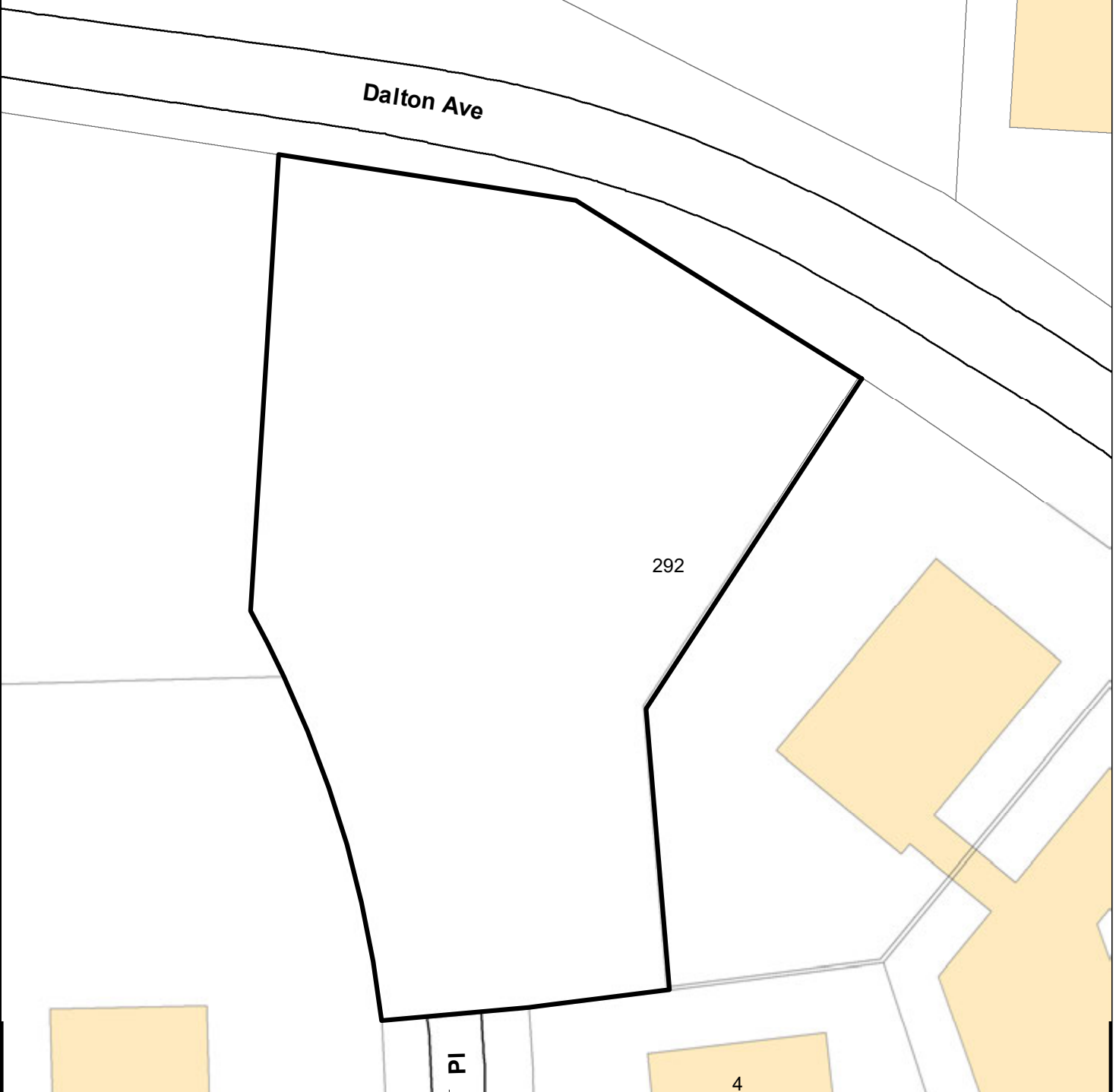
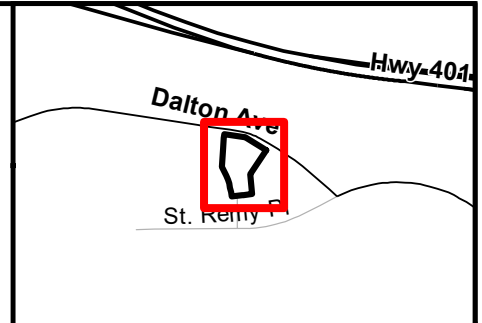
Committee of Adjustment

Key Map

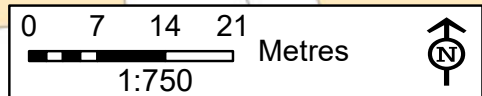
Address: 292 Dalton Avenue

File Number: D13-011-2021

 Lands Subject to Minor Variance



Prepared By: Ichu
Date: Mar-25-2021

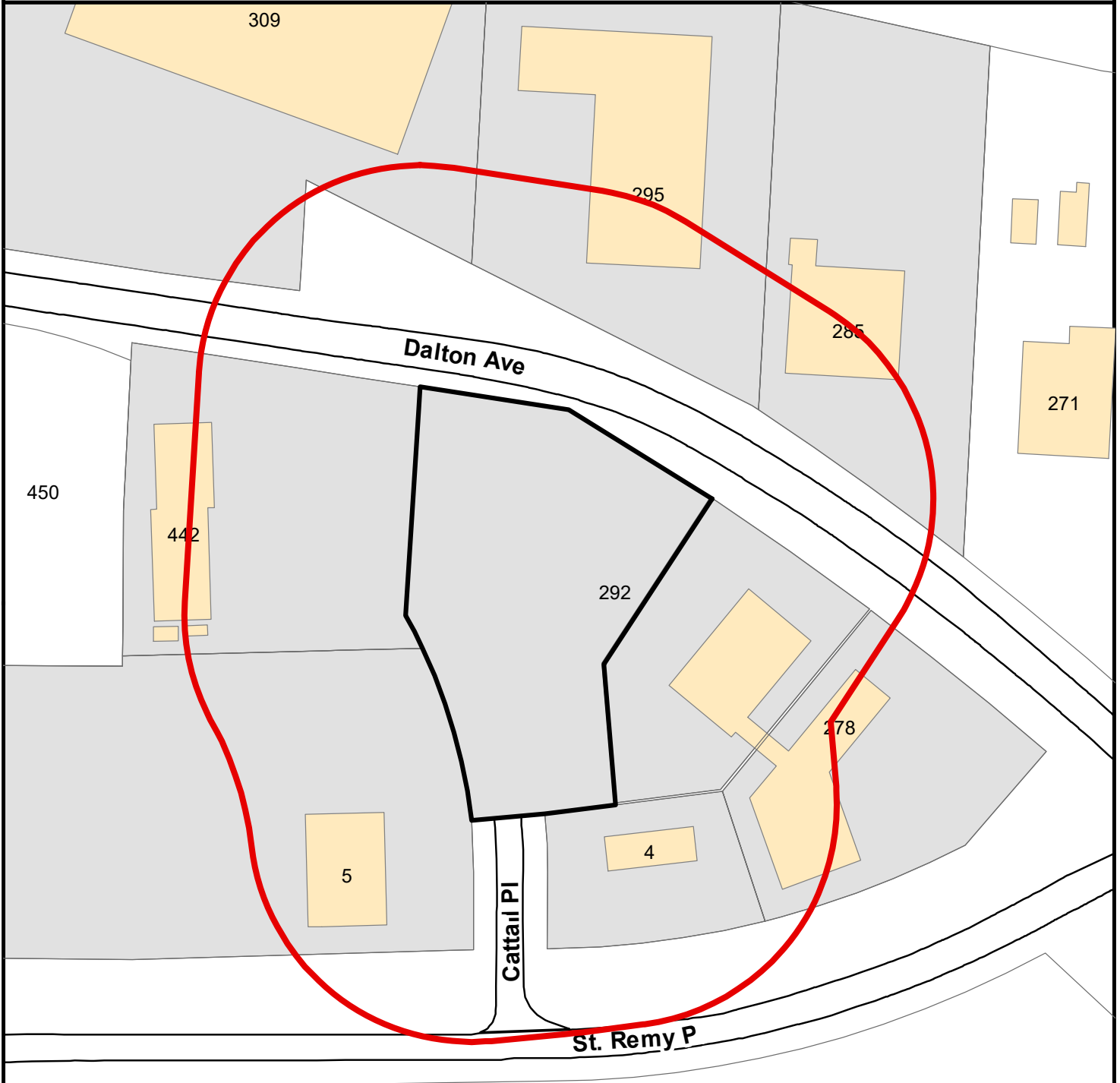


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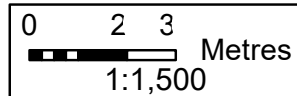


Committee of Adjustment
Public Notice Notification Map
Address: 292 Dalton Avenue
File Number: D13-011-2021

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



Prepared By: Ichu
Date: Mar-25-2021

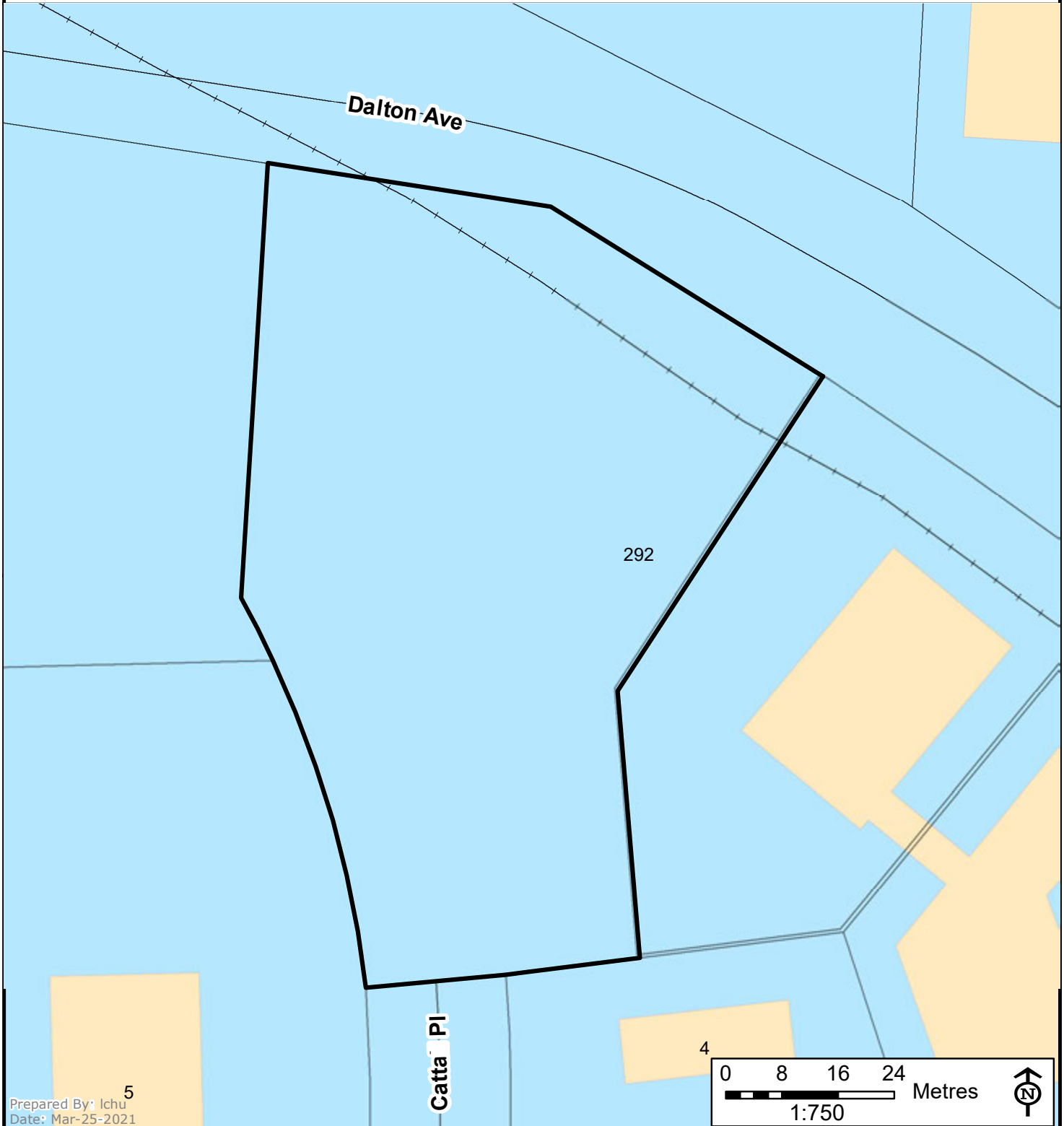


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Committee of Adjustment
Official Plan, Existing Land Use
Address: 292 Dalton Avenue
File Number: D13-011-2021

 Subject Lands
 GENERAL INDUSTRIAL



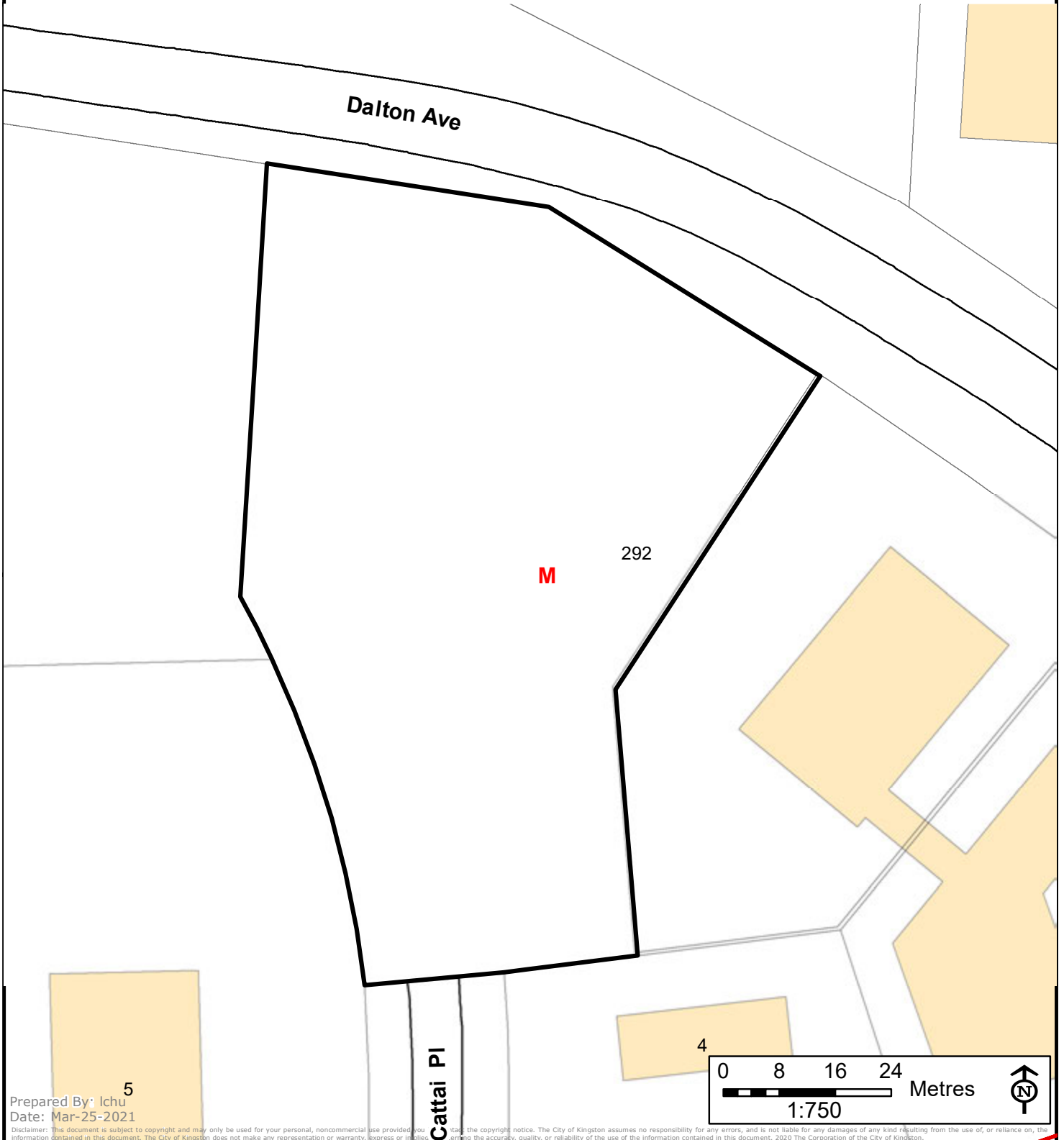
Prepared By: Ichu
Date: Mar-25-2021

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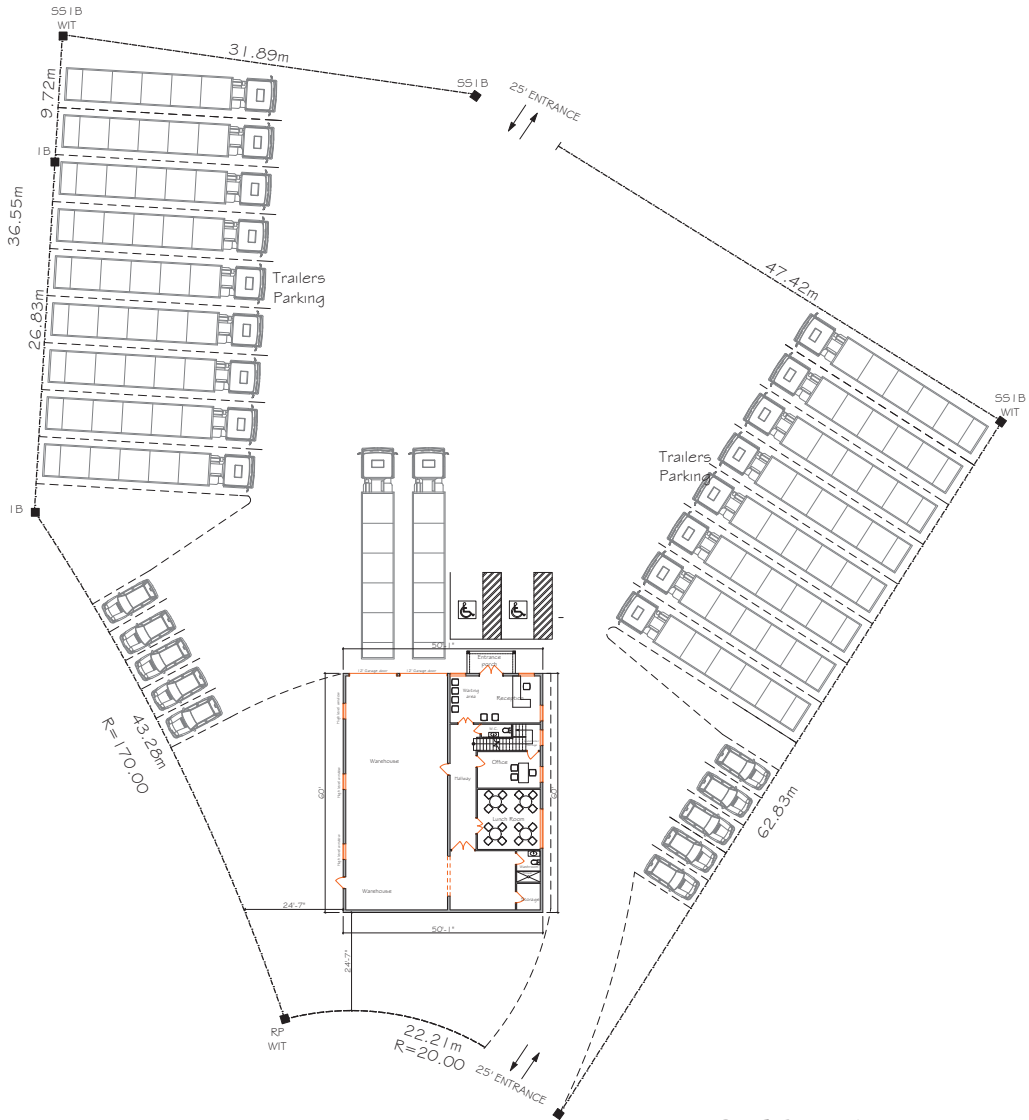
Committee of Adjustment
Existing Zoning - By-law 8499, Map 2
Address: 292 Dalton Avenue
File Number: D13-011-2021

- Subject Lands
- Consolidated Zoning



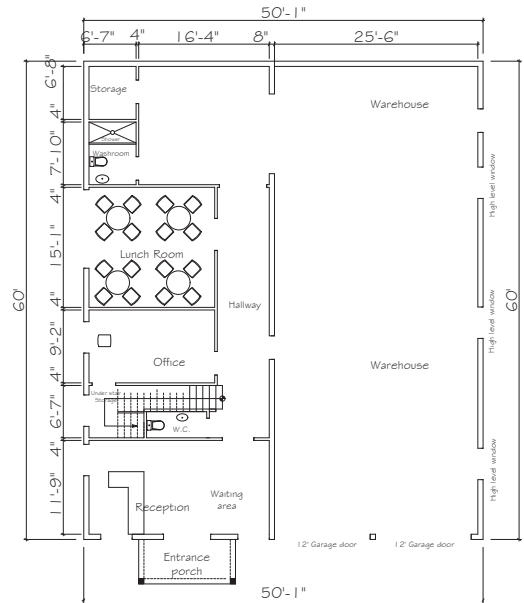
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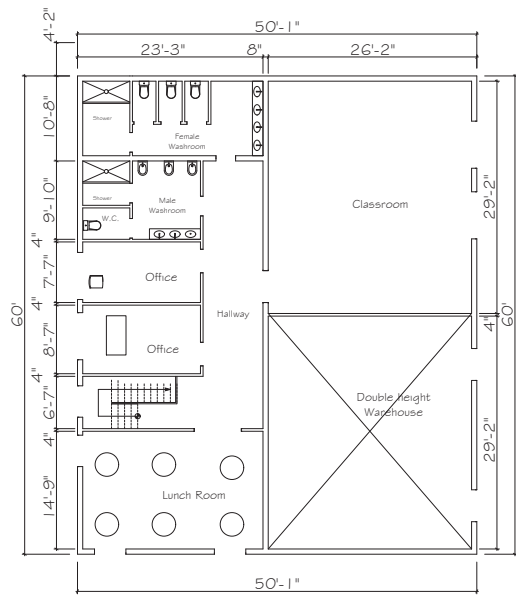
SITE PLAN

Scale: 1/16" = 1'-0" (A1)



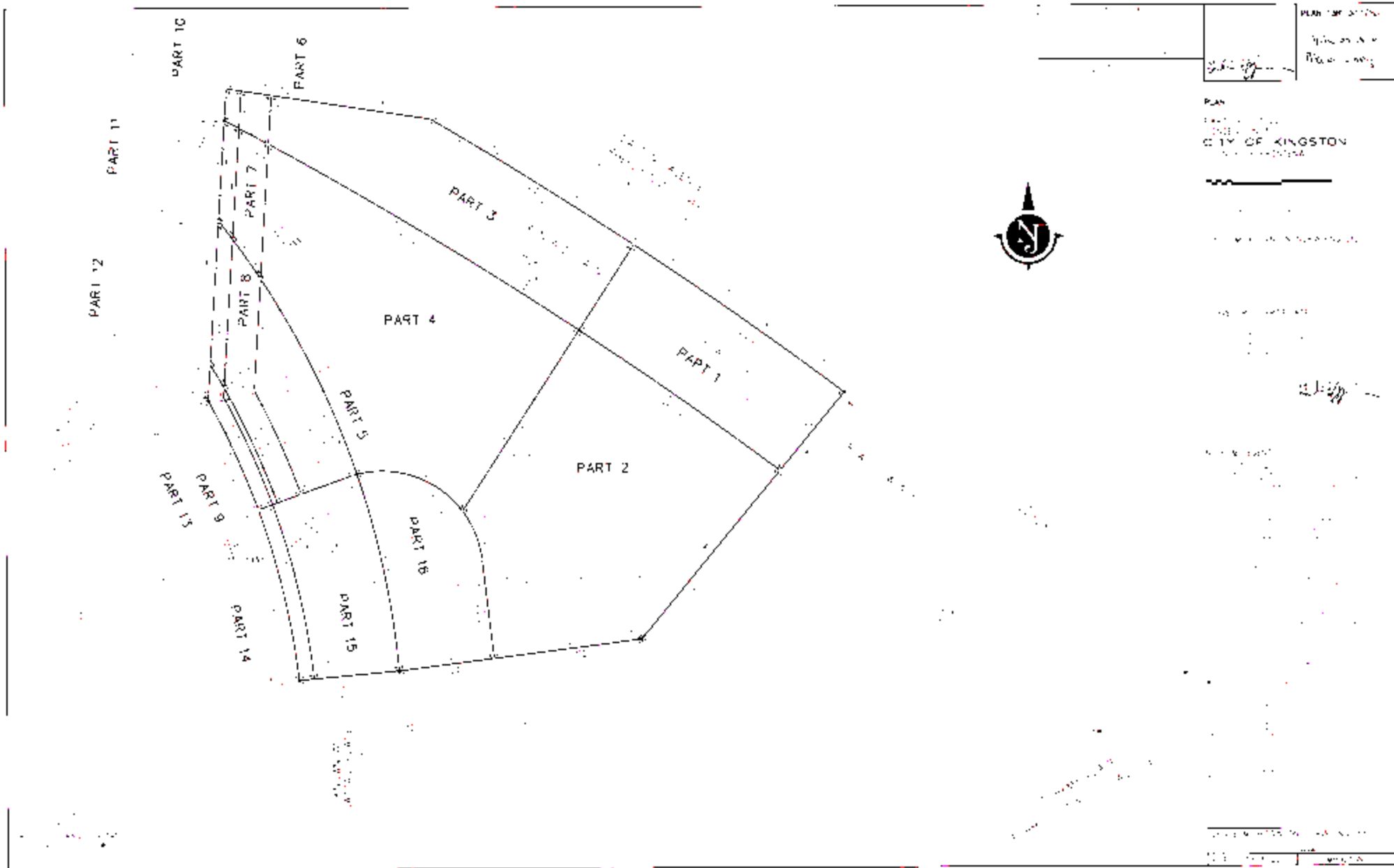
MAIN FLOOR PLAN

Floor Area = 3,000 ft²
Scale: 1/8" = 1'-0"



UPPER FLOOR PLAN

Floor Area = 3,000 ft²
Scale: 1/8" = 1'-0" (A1)





Above: View from Dalton Avenue

Below: View from Cattail Place





Committee of Adjustment
Neighbourhood Context (2020)
Address: 292 Dalton Avenue
File Number: D13-011-2021

- Subject Lands
- Property Boundaries
- Proposed Parcels

