



**City of Kingston
Report to Committee of Adjustment
Report Number COA-21-052**

To: Chair and Members of the Committee of Adjustment
From: Lindsay Lambert, Senior Planner
Date of Meeting: June 21, 2021
Application for: Minor Variance
File Number: D13-004-2021
Address: 1295 Centennial Drive
Owner: Frulact Canada Inc.
Applicant: Mallot Creek Group 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 minor variance for the property located at 1295 Centennial Drive. The applicant is proposing to reduce the minimum off-street parking requirement for the existing food processing facility comprised of approximately 5,317 square metre of gross floor area, plus approximately 3,712.39 square metres of gross floor area building additions approved through site plan application File Number D11-037-2018. The proposed reduction is from 90 parking spaces to 72 parking spaces, or from 1 parking space per 100 of gross floor area to 0.8 parking spaces per 100 square metres of gross floor area.

The requested minor variance is 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 variance is desirable for the appropriate development or use of the land, building or structure and is 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.

June 21, 2021

Page 2 of 10

Variance:

By-Law Number: 76-26 Section 24(3)(m)(ix)

Requirement: 1 parking space per 100 square metres of gross floor area of manufacturing or warehousing use

Proposed: 0.80 parking spaces per 100 square metres of gross floor area of manufacturing or warehousing use

Variance Requested: 0.20 parking spaces per 100 square metres of gross floor area of manufacturing or warehousing use

Recommendation:

That minor variance application, File Number D13-004-2021, for the property located at 1295 Centennial Drive to reduce the off-street parking requirement for the existing food processing facility with approximately 5,317 square metres of gross floor area plus a proposed additional gross floor area of approximately 3,712.39 square metres, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-052.

June 21, 2021

Page 3 of 10

Authorizing Signatures:



Lindsay Lambert, Senior Planner

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

Tim Park, Acting Director, Planning Services

James Bar, Acting Manager, Development Approvals

June 21, 2021

Page 4 of 10

Options/Discussion:

On April 29, 2021, a complete minor variance application was submitted by Mallot Creek Group Inc., on behalf of the owner, Frulact Canada Inc., with respect to the property located at 1295 Centennial Drive. The variance is requested to reduce the minimum off-street parking requirement for the existing food processing facility comprised of approximately 5,317 square metre of gross floor area, plus approximately 3,712.39 square metres of gross floor area building additions approved through site plan application File Number D11-037-2018. The proposed reduction is from 90 parking spaces to 72 parking spaces, or from 1 parking space per 100 of gross floor area to 0.8 parking spaces per 100 square metres of gross floor area.

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

- Site Plan (Exhibit G);
- Parking Letter; and
- Grading Plan.

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 a property municipally known as 1295 Centennial Drive, which is located northwest of the Venture Drive/Centennial Drive roundabout and is within the Cataraqui Estates Business Park. The property is approximately 6 hectares, with road frontage on both Centennial Drive and Venture Drive. The property contains an existing food processing facility with approximately 5,317 square metres of gross floor area. A Site Plan Control amendment (File Number D11-037-2018) was approved in 2020 for additions to the existing facility totaling approximately 3,712.39 in gross floor area.

The subject property is designated Business Park Industrial in the Official Plan and zoned M1-13 in Zoning By-Law Number 76-26.

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:

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

June 21, 2021

Page 5 of 10

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 Business Park Industrial in the City of Kingston Official Plan.

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;

The proposal is consistent with the general intent of the Official Plan, including Section 2 Strategic Policy Direction. The site is located within a Business District, per Schedule 2 of the Official Plan. The proposed minor variance facilitates the expansion of an existing industrial use with a complement of on-site parking that is commensurate with the parking demand on the site.

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;

The proposed parking rate reduction is compatible with surrounding uses, buildings and structures. The Feihe site located at 1316 Centennial Drive has an approved parking rate of 0.65 spaces per 100 square metres of gross floor area. The proposed rate for the subject site through this application is 0.80 spaces per 100 square metres of gross floor area. The proposed minor variance is in line with the development standards of adjacent properties. The proposed minor variance is not anticipated to create any adverse effects on abutting properties.

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 submitted parking letter concludes that with the proposed parking rate reduction, the site will be able to function in an appropriate manner in terms of parking supply. The past and current site plan applications for this site incorporate universal accessibility standards. With the parking rate reduction, the site will still be required to provide a

June 21, 2021

Page 6 of 10

percentage of barrier free parking spaces based on the current parking standard of the M1-13 zone.

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 subject site is not a protected heritage property and is not adjacent to any protected heritage properties. The development of this site over the years has been consistent with the Design Guidelines for the Cataraqui Estates Business Park.

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;

As noted in the preceding section, the subject site is not a protected heritage property and is not adjacent to any protected heritage properties.

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 subject site is located within the urban boundary and the previous applications have confirmed that there is sufficient servicing capacity for the existing facility and the approved expansions.

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 application consists of one proposed variance and staff have determined that a minor variance is an appropriate zoning relief application to consider the proposal.

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;

Staff have recommended the standard conditions that typically accompany a minor variance decision, noting that as a result of the concurrent Site Plan Control modification application, there will be an amending Site Plan Control agreement registered on the title of the subject lands, which will include the amended plans and any additional conditions as necessary.

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

The proposed parking rate reduction is consistent with recently approved standards for a site within the immediate vicinity of the subject lands. The proposal is not anticipated to

June 21, 2021

Page 7 of 10

set an undesirable precedent. A reduction of the parking rate for the site aligns with policies to encourage the use of active transportation and transit and promoting landscaped surfaces over hardscapes as well as Council’s declaration of a climate emergency.

The proposal meets the intent of the Official Plan, as the proposed off-street minimum parking rate relief and 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 M1-13 in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The M1-13 zone permits manufacturing, assembling, fabricating, and processing operations; construction and transportation activities and facility; storage, warehousing and wholesale trade activities; communications and utilities facility; institutional uses with general industrial characteristics, such as a trade school; business and professional office provided that such use is located within 90 metres of the Resource Road frontage; and, public use in accordance with Section 5(18) of By-Law Number 76- 26.

The proposal requires a variance to Section 24(3)(m)(ix) as follows:

Variance:

By-Law Number: 76-26 Section 24(3)(m)(ix)

Requirement: 1 parking space per 100 square metres of gross floor area of manufacturing or warehousing use

Proposed: 0.80 parking spaces per 100 square metres of gross floor area of manufacturing or warehousing use

Variance Requested: 0.20 parking spaces per 100 square metres of gross floor area of manufacturing or warehousing use.

The proposed parking rate reduction is consistent with the general intent and purpose of the zoning by-law, as it is a relatively small reduction that is in line with the experienced demand of the existing facility and proposed building expansions and is consistent with the parking rate requirement of the neighbouring large scale Feihe facility to the east.

3) The variance is minor in nature

The variance is considered minor as the proposed parking rate reduction has been reviewed to be in line with the demand for off-street parking for this site and there are no negative impacts anticipated as a result of the proposal.

June 21, 2021

Page 8 of 10

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

The proposed parking rate reduction is desirable for the appropriate development and use of the subject site, as it helps to support a business expansion without the need to construct additional parking that has been demonstrated as being unnecessary. Instead of concrete and asphalt, the area of the parking reduction will be converted to landscaped open space and will be graded to support the overall approach to stormwater management for the site. The parking rate reduction may encourage greater use of active transportation of the multi-use path adjacent to the site to access the employment use from nearby residential areas.

The variance is 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 checked="" type="checkbox"/> Real Estate & Environmental Initiatives |
| <input checked="" type="checkbox"/> Fire & Rescue | <input 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 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 have been received. Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

There is a concurrent site plan modification application (File Number D11-001-2021) to implement the proposed parking rate reduction. The property is the subject of the following previous applications:

June 21, 2021

Page 9 of 10

File Numbers D12-054-2009 & D14-173-2009 - Draft Plan of Subdivision and Zoning By-Law Amendment Applications for Cataraqui Estates Business Park

File Number D12-056-2010 – Final Plan of Subdivision Application for Cataraqui Estates Business Park

File Numbers D14-223-2011/D14-230-2011 – Zoning By-Law Amendment Application to Eliminate Dual Zoning, Update Parking Requirement and Amend Proportion of Accessory Retail

File Number D11-411-2012 – Site Plan Control Application for Chobani Yogurt Processing Facility (Withdrawn)

File Number D11-167-2015 – Site Plan Control Application for Frulact Food Processing Facility

File Number D13-004-2016 – Minor Variance Application for Relief from the Yards Where Loading is Permitted

File Number D11-037-2018 – Site Plan Control Modification Application for Addition to Existing Frulact Food Processing Facility

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 is 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 facilitate a more efficient use of land and avoids the construction of additional parking that has been demonstrated to be in excess of the general parking demand for this 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

June 21, 2021

Page 10 of 10

Zoning By-Law Number 76-26

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on June 21, 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 eight (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

Financial Considerations:

None

Contacts:

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

Lindsay Lambert, Senior Planner, 613-546-4291 extension 2176

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 76-26, Map 3
- Exhibit G Site Plan

Recommended Conditions

Application for minor variance, File Number D13-004-2021

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

1. Limitation

That the approved minor variance applies only to the off-street parking supply for the property municipally known as 1295 Centennial Drive, as shown on the approved drawing 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.

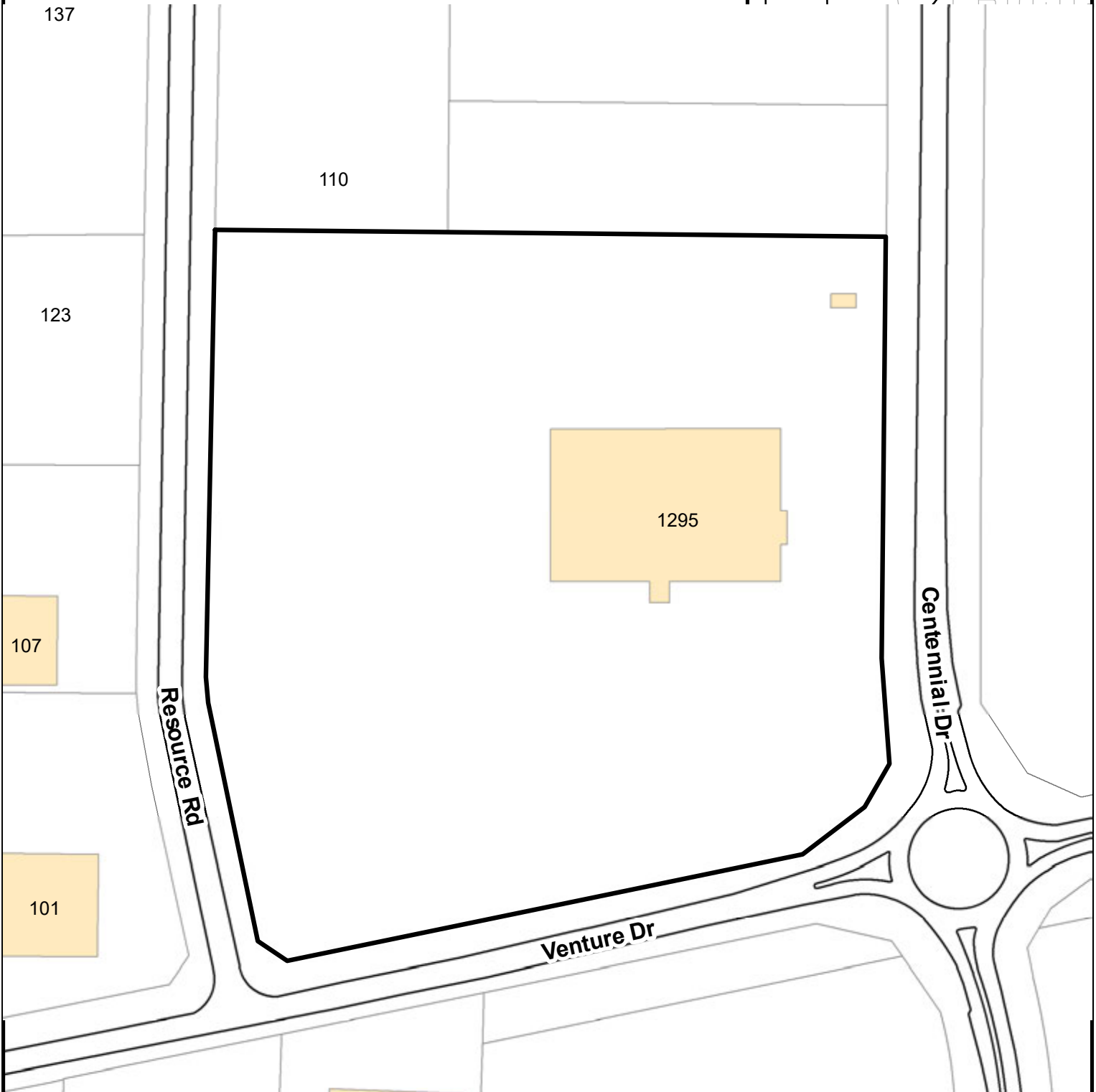
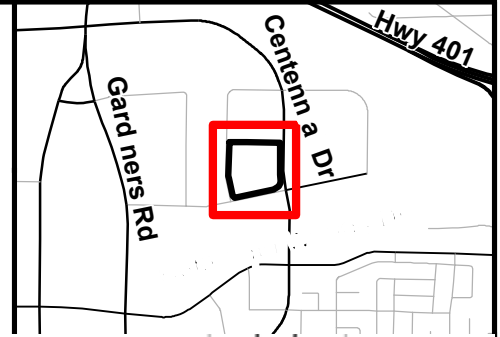
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries at the Ministry of Government and Consumer Services (416-212-7499), the Program and Services Branch of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-314-7132), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.



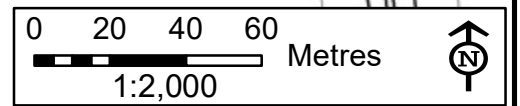
Committee of Adjustment Key Map

Address: 1295 Centennial Drive
File Number: D13-004-2021

 Lands Subject to Minor Variance



Prepared By: adowker
Date: May-11-2021





Committee of Adjustment
Neighbourhood Context (2020)

Address: 1295 Centennial Drive
File Number: D13-004-2021

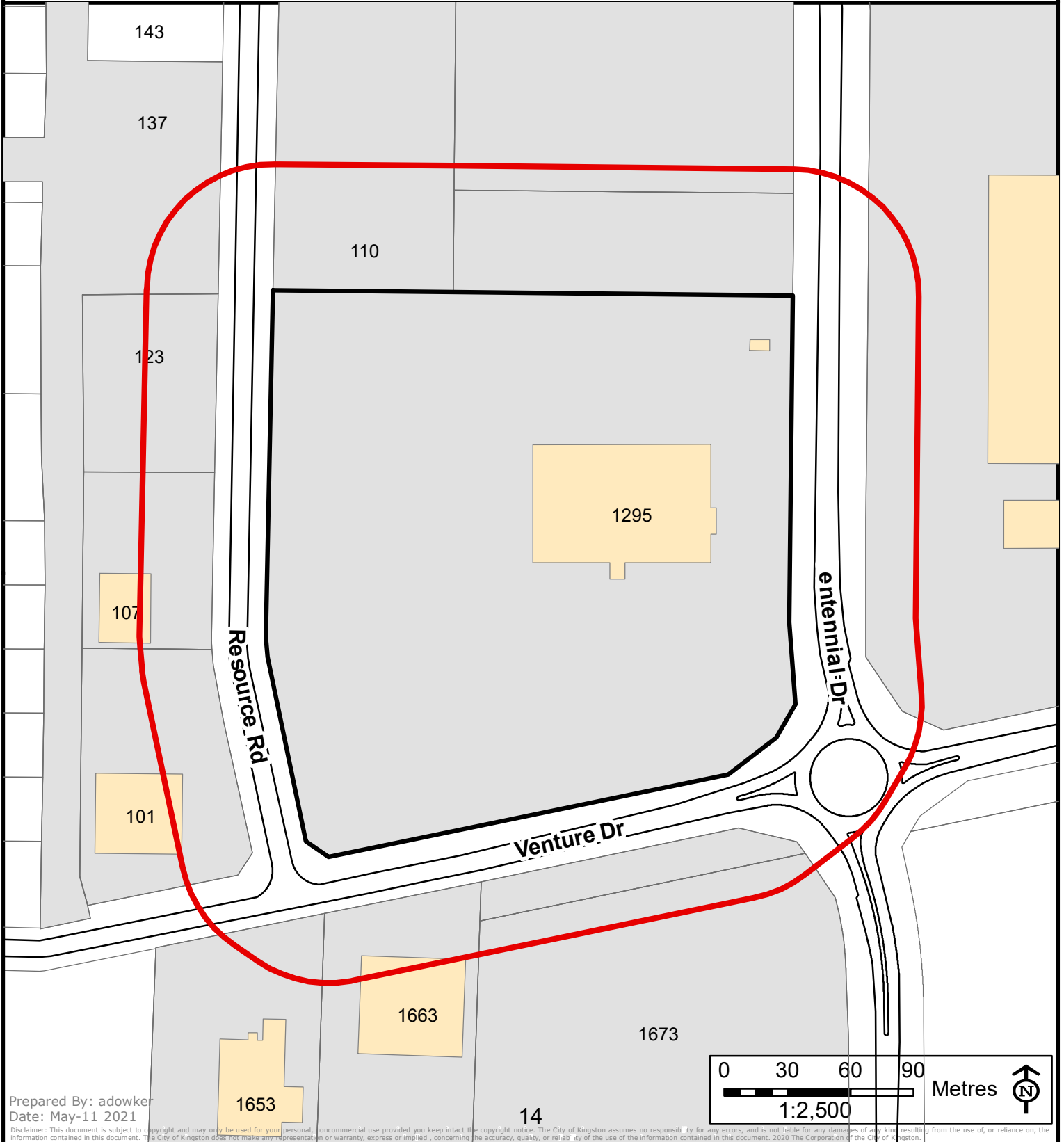
- Subject Lands
- Property Boundaries
- Proposed Parcels





Committee of Adjustment
Public Notice Notification Map
Address: 1295 Centennial Drive
File Number: D13-004-2021

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



Prepared By: adowker
Date: May-11 2021





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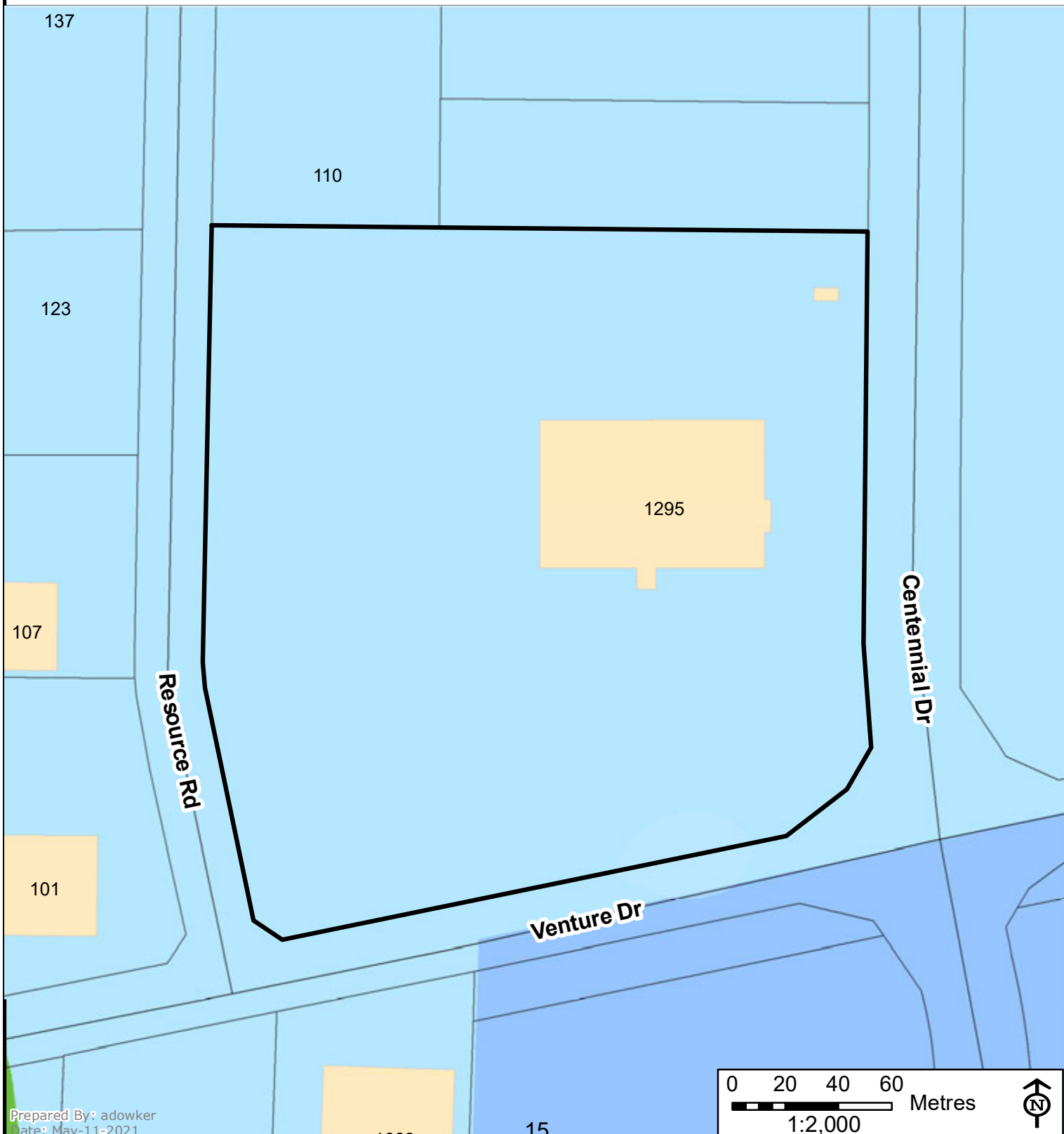


Planning Services

Committee of Adjustment Official Plan, Existing Land Use

Address: 1295 Centennial Drive
File Number: D13-004-2021

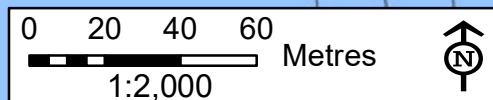
-  Subject Lands
-  BUSINESS PARK INDUSTRIAL
-  ENVIRONMENTAL PROTECTION AREA
-  GENERAL INDUSTRIAL



Prepared By: adowker
Date: May-11-2021

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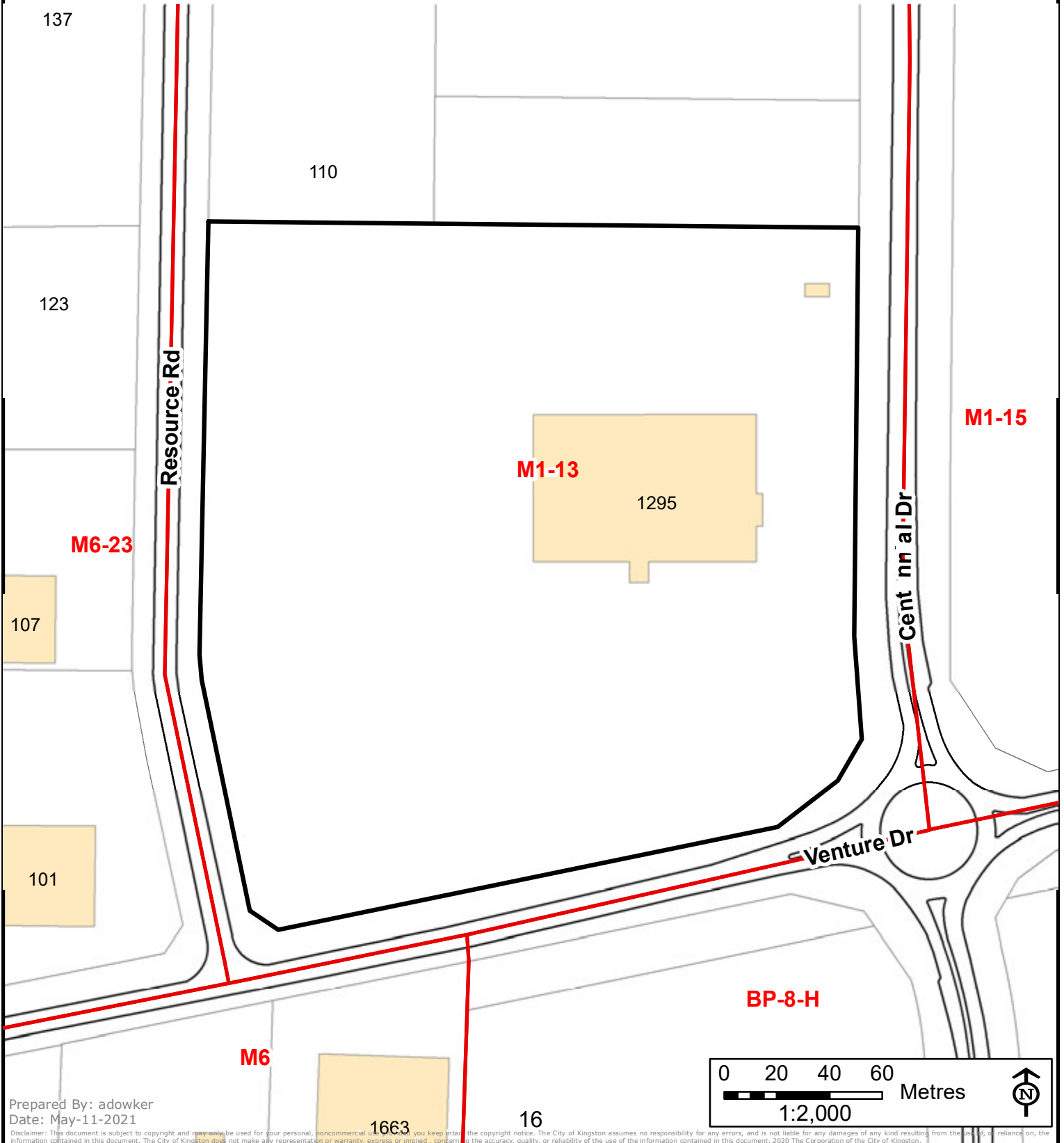
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Committee of Adjustment
Existing Zoning - By-law 76-26, Map 3
Address: 1295 Centennial Drive
File Number: D13-004-2021

Subject Lands
 Consolidated Zoning



Prepared By: adowker
Date: May-11-2021

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