

City of Kingston Report to Committee of Adjustment Report Number COA-22-009

То:	Chair and Members of the Committee of Adjustment
From:	Lindsay Lambert, Senior Planner
Date of Meeting:	December 13, 2021
Application for:	Minor Variance
File Number:	D13-068-2021
Address:	950 Centennial Drive
Owner:	Princess Street Facility Inc.
Applicant:	Fotenn Consultants Inc.

Council Strategic Plan Alignment:

Theme: 5. Foster healthy citizens and vibrant spaces

Goal: 2.2 Build a significant number of new residential units with a range of affordability.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance with respect to the property located at 950 Centennial Drive. The applicant is proposing to construct Phase 2 of an existing retirement residence. The owner is intending to apply for a future consent to create a separate parcel of land for the future Phase 3 development. The applicant is seeking zoning relief in the minimum rear yard setback of the Special General Shopping Centre C5-7 zone of Zoning By-Law Number 76-26 for the Phase 2 building addition in relation to the proposed lot line separating the Phase 1/2 lands and the future proposed new parcel for the Phase 3 development. The applicant is also proposing zoning relief with respect to the minimum privacy yards for a ground floor habitable room to be clear and unobstructed by any parking area or vehicular driveway. Phase 2 of the retirement residence is proposed to be consistent with Phase 1 in built form and height (7 storeys) and will contain 86 seniors' apartment dwelling units and 87 underground parking spaces.

Page 2 of 12

The proposed Phase 2 development is the subject of an active application for Site Plan Control Modification (File Number D11-021-2021).

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.

Variance Number 1: Rear Yard Depth (minimum)

By-Law Number 76-26: Section 22.2(f) Requirement: 50 feet (15.24 metres) Proposed: 40 feet (12.19 metres) Variance Requested: 10 feet (3.05 metres)

Variance Number 2: Privacy Yards: ground floor habitable room window

By-Law Number 76-26: Section 22.3(g)(x)(a) Requirement: 7.6 metres Proposed: 3.5 metres for 1 ground floor unit and 4.9 metres for a second ground floor unit Variance Requested: 3.6 metres for 1 ground floor unit and 2.7 metres for a second ground floor unit

Recommendation:

That minor variance application, File Number D13-068-2021, for the property located at 950 Centennial Drive to vary the minimum rear yard and minimum privacy yard to the ground floor habitable windows of two ground floor units, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-22-009.

Page 3 of 12

Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Lindsay Lambert, Senior Planner

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

Tim Park, Director, Planning Services James Bar, Manager, Development Approvals

Page 4 of 12

Options/Discussion:

On October 22, 2021, a minor variance application was submitted by Fotenn Consultants Inc., on behalf of the owner, Princess Street Facility Inc., with respect to the property located at 950 Centennial Drive. The variances are requested to construct Phase 2 of an existing retirement residence. The owner is intending to apply for a future consent to create a separate parcel of land for the future Phase 3 development. The applicant is seeking zoning relief in the minimum rear yard setback of the Special General Shopping Centre C5-7 zone of Zoning By-Law Number 76-26 for the Phase 2 building addition in relation to the proposed lot line separating the Phase 1/2 lands and the future proposed new parcel for the Phase 3 development. The applicant is also proposing zoning relief with respect to the minimum privacy yards for a ground floor habitable room to be clear and unobstructed by any parking area or vehicular driveway, with a pedestrian surface access permitted in the privacy yard. The existing Phase 1 of the development consists of a 7-storey retirement residence with 165 units and surface parking. Phase 2 of the retirement residence is proposed to be consistent with Phase 1 in built form and height (7 storeys) and will contain 86 seniors' apartment dwelling units, with the added parking from Phase 2 being constructed as underground spaces.

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

- Conceptual Site Plan (Exhibit G);
- Floor Plans & Elevations; and
- Planning Justification Letter.

All submission materials are available online through the Development and Services Hub (DASH) at the following link, <u>DASH</u>, 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 950 Centennial Drive. The property is located southeast of the intersection of Princess Street and Centennial Drive. The site abuts an existing residential subdivision to the south, with an existing pharmacy, medical offices, restaurant and mixed commercial residential building to the north. Select Drive is located to the east. The property contains an existing 7-storey retirement residence with 165 units and surface parking spaces. The site is accessed primarily via Centennial Drive and via an abutting private laneway to the north.

The subject property is designated Arterial Commercial in the Official Plan and zoned Special General Shopping Centre 'C5-7' zone in Zoning By-Law Number 76-26.

Application

The review of an application for minor variances is not a simple mathematical calculation, but rather a detailed assessment of whether the variances requested, both separately and together,

Page 5 of 12

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 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.

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;

Section 2 establishes broad structural areas to direct the organization of future development. The site is located within a Corridor on Schedule 2 of the Official Plan. Per Section 2.2.7, Centres and Corridors are areas of mixed use and mixed buildings that promote active transportation, where intensification will be focused and where greater densities will be permitted. High density land uses are subject to the policy requirements of Section 3.3.C. The subject application will facilitate the further intensification of the subject property located in a Corridor as is encouraged by the policies of Section 2 of the Official Plan. With the construction of Phase 2 the residential density of the site would increase from 59 units per net hectare to 89.7 units per net hectare, moving it into the high density residential land use category and within the established density permissions of the existing C5-7 zone. The proposal is consistent with the high density residential land use policies of Section 3.3.C.

With respect to the land use compatibility policies of Section 2.7 of the Official Plan, the proposed variances to minimum rear yard for the Phase 2 addition and minimum privacy yards for two ground floor units within the Phase 2 building are not anticipated to generate any undue adverse effects identified in Section 2.7.3, such as noise, intrusive overlook, shadowing, reduction in the ability to enjoy a property, architectural incompatibility or visual intrusion. In terms of functional needs aspect of land use compatibility in Section 2.7.6, with the proposed zoning relief of the application, the

Page 6 of 12

proposed development represents appropriate infill of vacant and underutilized lands and will still achieve its requirements with respect to: having suitable scale, massing and density in relation to the existing built fabric, adequate land area and appropriate land configuration, appropriate landscaping, clearly defined and safe access, parking, amenity areas.

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 policies of Section 2.7 of the Official Plan establish the principles of land use compatibility for the City to ensure that land use change, growth and intensification occur in a manner that is compatible with surrounding uses, buildings and structures. The proposed variances seek to reduce the minimum rear yard setback and minimum privacy yards to facilitate a 7-storey addition to an exiting retirement residence, which would add 86 additional rental units to the market. Through the approval of the variances, the development would continue to maintain the same interior side yard setback of over 48 metres to the abutting residential subdivision to the south. The proposal would comply with all other applicable performance standards of the existing C5-7 zone. The proposal is not anticipated to generate any undue adverse effects listed in Section 2.7.3 and is expected to meet the functional needs of future residents as per Section 2.7.6.

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;

Access to the property is from Centennial Drive as well as an abutting private laneway. There is an existing sidewalk from the centennial Drive road allowance to provide pedestrian access. Bicycle parking is not required for the proposed use under Zoning By-Law Number 76-26. A Traffic Impact Study Addendum is under technical review as part of the concurrent Site Plan Control modification application to ensure that any required mitigation and/or upgrades are implemented through that process as a result of the increase in density and traffic on the site resulting from the proposed Phase 2 development.

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 lands are not protected under the *Ontario Heritage Act* and are not adjacent to any protected heritage resources. No impacts to cultural heritage resources are expected as a result of the application.

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

Page 7 of 12

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 subject lands are not protected under the *Ontario Heritage Act* and are not adjacent to any protected heritage resources. No impacts to cultural heritage resources are expected as a result of the application.

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 located within the urban boundary, is currently and will continue to be serviced by municipal water and sewage services. Sufficient municipal water and sewage serving capacity to service the proposed Phase 2 development has been confirmed through the technical review of the concurrent Site Plan Control modification application (File Number D11-021-2021).

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 variances are to obtain zoning relief from the minimum rear yard setback and privacy yards to facilitate a compact addition to the existing built form on the site and to facilitate a future consent application for a future Phase 3 development to the east. The proposed land use and density of the addition and all other performance standards are met through the proposal for the Phase 2 building. As a result of these considerations, a minor variance is the most appropriate zoning relief application for this proposal.

 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;

The technical review of the application did not identify the need for any special conditions. Staff are recommending standard conditions per those listed in Exhibit A.

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

The effect of the application is to facilitate a more compact, efficient use of land to accommodate residential intensification within the serviced urban boundary, resulting in an outcome that is supported by the Provincial Policy Statement (2020) and the City's Official Plan.

In summary, the proposal meets the intent of the Official Plan and will not result in any negative impacts to adjacent properties or to the neighbourhood.

Page 8 of 12

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

The subject property is zoned Special General Shopping Centre C5-7 zone in the City of Kingston Zoning By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended. The C5-7 zone permits an apartment dwelling house and a retirement home as residential uses, as well as a shopping centre comprised of commercial uses listed in Section 22(1)(b) of Zoning By-Law Number 76-26.

The proposal requires a variance to Sections 22.2(f) and 22.3(g)(x)(a).

Variance Number 1: Rear Yard Depth (minimum)

By-Law Number 76-26:Section 22.2(f) Requirement: 50 feet (15.24 metres) Proposed: 40 feet (12.19 metres) Variance Requested: 10 feet (3.05 metres)

The proposed development seeks to provide a minimum rear yard setback of 12.19 metres, whereas the C5-7 zone requires 15.2 metres. The rear lot line indicated on the conceptual site plan is the proposed lot line of a future severance to separate the Phase 1/2 lands from the future proposed Phase 3 lands. The intent of the minimum rear yard setback is to provide adequate buffering between buildings and properties and to ensure that there is adequate room for landscaped space. With the proposed variances, the addition of the Phase 2 building and the proposed future consent, the Phase 1/2 lands continue to comply with minimum landscaped open space and lot coverage requirements. The 12.19 metre area is proposed to contain a laneway for two-way traffic. The proposed rear yard setback is sufficient and meets the general intent and purpose of the zoning by-law.

Variance Number 2: Privacy Yards: ground floor habitable room window

By-Law Number 76-26: Section 22.3(g)(x)(a)

Requirement: 7.6 metres

Proposed: 3.5 metres for 1 ground floor unit and 4.9 metres for a second ground floor unit Variance Requested: 3.6 metres for 1 ground floor unit and 2.7 metres for a second ground floor unit

The zoning by-law requires a minimum privacy yard of 7.6 metres to a ground floor habitable room window. The proposal is to reduce this to 3.5 metres for one unit on the north side of the proposed building and 4.9 metres for one unit on the east side of the building. The intent of the minimum privacy yard depth is to provide ground floor units with separation from driveways and pedestrian pathways, with the added benefit of providing space for private outdoor amenity for ground floor units. The site design incorporates private terraces for the ground floor units. Staff are working with the applicant through the concurrent Site Plan Control modification application (File Number D11-021-2021) to be strategic in the use of landscaping and terrace siting for the two affected ground floor units in order to minimize disturbance or loss of privacy. Based on this, the requested variance

Page 9 of 12

to the minimum privacy yards for two ground floor units maintain the general intent and purpose of the zoning by-law.

3) The variances are minor in nature

The variances are considered minor as they are limited to the subject site, are limited in scope and there are no negative impacts anticipated as a result of their implementation. The proposed Phase 2 building and proposed future lot line to separate Phase 1/2 from Phase 3 will achieve a compact, efficient and compatible parcel fabric and built form to what is existing on-site and adjacent to the property. As indicated earlier, the concurrent Site Plan Control modification application is being reviewed to ensure that potential loss of privacy for the two units related to the relief in the minimum privacy yards is mitigated through the siting of the private terrace and landscape buffering. Based on the assessment presented in this report, the variances are minor in nature.

4) The variances are desirable for the appropriate development or use of the land, building or structure

The existing Arterial Commercial lands use designation and Special General Shopping Centre C5-7 zone both permit the proposed residential land use and density. The City's land use planning policy documents encourage compact infill development on underutilized serviced properties located within the urban boundary. The approval of the requested variances will facilitate the addition of 86 dwelling units (ranging from studio to twobedrooms) to the City's rental market. The proposed addition will maintain the existing approximately 48 metre interior side yard setback to the abutting residential subdivision. The proposed reduction in the minimum rear yard setback is not anticipated to impact the function of the site or provision of outdoor amenity area. The proposed relief in the minimum privacy yards for two of the ground floor units strikes and appropriate balance between creating a compact and efficient development form, while still providing room for ground floor outdoor terraced and landscaped buffering to enhance privacy for the affected ground floor habitable rooms. Based on this review, the variances are desirable for the appropriate use of the subject lands.

Technical Review: Circulated Departments and Agencies

- ⊠ Building Services
- □ Finance
- ⊠ Fire & Rescue
- Solid Waste
- \boxtimes Housing
- □ KEDCO
- \Box CRCA
- □ Parks Canada
- □ Hydro One

- Engineering Department
- Utilities Kingston
- □ Kingston Hydro
- ☑ Parks Development
- \boxtimes District Councillor
- Municipal Drainage
- KFL&A Health Unit
- Eastern Ontario Power
- □ Enbridge Pipelines

- ⊠ Heritage (Planning Services)
- ☑ Real Estate & Environmental Initiatives
- ☐ City's Environment Division
- □ Canadian National Railways
- □ Ministry of Transportation
- □ Parks of the St. Lawrence
- □ Trans Northern Pipelines
- CFB Kingston
- □ TransCanada Pipelines

Page 10 of 12

- □ 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 pieces of correspondence have been received with respect to the application. 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

Previous applications include a consent, zoning by-law amendments, a minor variance and Site Plan Control. The consent application (File Number D10-014-2013) created a new lot corresponding to the subject lands municipally known as 950 Centennial Drive. The minor variance application (File Number D13-053-2015) varied the minimum parking stall length from to 6 metres to 5.5 metres. The Site Plan Control application (File Number D11-123-2015) registered a Site Plan Control agreement against the subject lands for the construction of Phase 1 of the retirement residence.

There is a concurrent application for Site Plan Control modification (Filer Number D11-021-2021) for the construction of the 7-storey Phase 2 addition to the existing retirement residence that is to contain 86 seniors' apartment units and 87 underground parking spaces. The most recent zoning by-law amendment (File Number D14-010-2017) modified the existing C5-7 zone to add site-specific definitions and to reduce the minimum off-street parking requirement for the retirement home use on the property.

Conclusion

The requested variances maintain 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 variances 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 facilitate further residential intensification in a compact form, on underutilized serviced lands within the City's urban boundary, in a manner that achieves compatibility with adjacent properties and meets the functional needs of current and future residents.

Page 11 of 12

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

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on December 13, 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 67 properties (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, Manager, Development Approvals, 613-546-4291 extension 3213

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

Other City of Kingston Staff Consulted:

None

Page 12 of 12

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context (2021)
- Exhibit D Public Notification Map
- Exhibit E Official Plan Map
- Exhibit F Zoning By-Law Number 76-26, Map 5
- Exhibit G Conceptual Site Plan

Recommended Conditions

Application for minor variance, File Number D13-068-2021

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

1. Limitation

That the approved minor variance applies only to the Phase 2 building addition, as shown on the conceptual site plan dated June 2, 2015 (Revision 4, October 25, 2021) attached to the notice of decision. The approved variance to the minimum privacy yards to a ground floor habitable window are limited to two ground floor units within Phase 2 as described within the report and 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

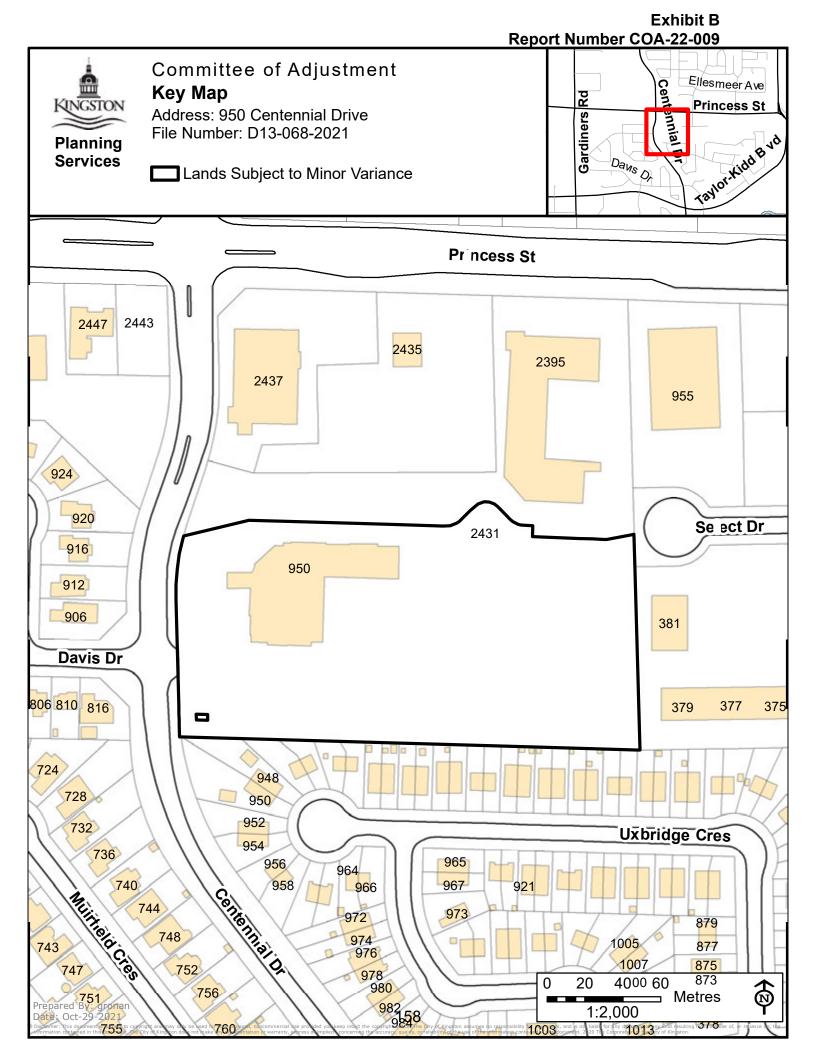
The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

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 Neighbourhood Context (2021)

Planning Services Address: 950 Centennial Drive File Number: D13-068-2021

Proposed Parcels



