

City of Kingston Report to Committee of Adjustment Report Number COA-24-006

То:	Chair and Members of the Committee of Adjustment
From:	Lindsay Reid, Senior Planner – Urban Designer
Date of Meeting:	December 11, 2023
Application for:	Minor Variance
File Number:	D13-022-2023
Address:	1580 and 1600 Rockwell Drive
District:	District 6 – Trillium
Owner:	Homestead Land Holdings Limited
Applicant:	Arcadis

Council Strategic Plan Alignment:

Theme: 1. Support Housing Affordability

Goal: 1.2 Promote increase in purpose-built rental housing.

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variances for the properties located at 1580 and 1600 Rockwell Drive. The applicant is proposing to construct two new 12-storey apartments, adjacent to a third 12-storey apartment which is currently under construction at 1560 Rockwell Drive. The underground parking for the three buildings is interconnected and spans all three properties.

The three properties (1560, 1580 and 1600 Rockwell Drive) were subject to a Site-Specific Zoning Amendment under Former Kingston Township Zoning By-Law Number 76-26 and are considered a single parcel for the purposes of zoning interpretation. The site-specific provisions established under Zoning By-Law Number 76-26 were carried forward under the new Kingston Zoning By-Law at the time of its approval in April 2022 as Legacy Exception 89 (L89). 1560 Rockwell Drive has received site plan approval (D11-023-2020), and 1580 and 1600 Rockwell

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Drive are currently subject to active Site Plan Control applications (D11-017-2023 and D11-018-2023).

The apartment developments at 1580 and 1600 Rockwell Drive require relief from the minimum privacy yard and parking (berm and landscaping) provisions of the Legacy Exception (L89) as well as the maximum horizontal lengths of balconies and additional, visitor and car-share parking provisions of the Kingston Zoning By-Law. The applicant seeks to reduce the number of visitor and car-share spaces and provide additional standard parking spaces without providing additional electric vehicle ready car-share spaces. The proposed parking for 1580 and 1600 Rockwell Drive includes 101 electric vehicle ready parking spaces of which 83 are standard spaces, 16 are car-share spaces, and 2 are visitor spaces.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. 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.

Recommendation:

That minor variance application, File Number D13-022-2023, for the properties located at 1580 and 1600 Rockwell Drive for relief for privacy yard depth, berm and landscaping, balcony length and additional, visitor and car-share parking provisions, be approved, as described below:

1580 Rockwell Drive:

Variance Number 1:

By-Law Number 2022-62: Legacy Exception L89 (e) Privacy Yards (i) minimum depth and	
	location at Apartment Dwelling Houses
Requirement:	A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a
	1.5 metre yard is required.
Proposed:	A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 1.5 metres measured at right angles from each window located along such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.
Variance Requested:	1.5 metres and parameters of width;

Variance Number 2:

By-Law Number 2022-62:Legacy Exception L89 (h) Parking (ii) minimum berm height and
minimum width of landscaping strip if parking located within any yard
adjacent to a streetRequirement:1.0 metre high berm with a minimum 3.0 metres wide landscaping strip
containing a mixture of coniferous and deciduous trees

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Proposed:	Continuous landscaping containing a mix of multi-level planting beds, coniferous trees and deciduous trees	
Variance Requested:	1.0 metres high berm and 3.0 metre wide landscaping strip;	
Variance Number 3:		
By-Law Number 2022-62: 4.20.1.(2) Maximum horizontal length of each face of the main wall of		
Requirement:	each storey occupied by balconies 30%	
Proposed:	North face: 33%, east face 38% and south face 33%	
Variance Requested:	North face: 3%, east face 8% and south face 3%;	
Variance Number 4:		
By-Law Number 2022-62: 7.1.15.(2)(b) Permission to provide more parking spaces than the		

	maximum, requirement for additional car-share spaces equipped with electric vehicle ready for every four additional parking spaces
Requirement:	6
Proposed:	0
Variance Requested:	6;

Variance Number 5:

By-Law Number 2022-62: Table 7.1.1.(1)(iii) Minimum visitor spaces		
Requirement:	24	
Proposed:	3	
Variance Requested:	21;	

1600 Rockwell Drive:

Variance Number 6:

By-Law Number 2022-62: Legacy Exception L89 (e) Privacy Yards (i) minimum depth and	
	location at Apartment Dwelling Houses
Requirement:	A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.
Proposed:	A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 1.5 metres measured at right angles from each window located along such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.
Variance Requested:	1.5 metres and parameters of width;

Variance Number 7:

By-Law Number 2022-62: 4.20.1.(2) Maximum horizontal length of each face of the main wall of		
	each storey occupied by balconies	
Requirement:	30%	
Proposed:	Southeast face: 33%, southwest face 38% and northwest face 33%	

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Variance Requested: Southeast face: 3%, southwest face 8% and northwest face 3%;

Variance Number 8:

By-Law Number 2022-62: 7.1.15.(2)(b) Permission to provide more parking spaces than the		
	maximum, requirement for additional car-share spaces equipped with	
	electric vehicle ready for every four additional parking spaces	
Requirement:	12	
Proposed:	0	
Variance Requested:	12;	

Variance Number 9:

By-Law Number 2022-62: Table 7.1.1.(1)(iii) Minimum visitor spacesRequirement:24Proposed:3Variance Requested:21.

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number CAO 24-006.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Lindsay Reid, Senior Planner – Urban Designer

In Consultation with the following Management of the Growth & Development Services Group:

Tim Park, Director, Planning Services Meghan Robidoux, Supervisor, Development Approvals

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Options/Discussion:

On April 17, 2023, a minor variance application was submitted by Arcadis, on behalf of the owner, Homestead Land Holdings Limited, with respect to the properties located at 1580 and 1600 Rockwell Drive. The applicant is proposing to construct two new 12-storey apartments, adjacent to a third 12-storey apartment which is currently under construction at 1560 Rockwell Drive.

The three properties (1560, 1580 and 1600 Rockwell Drive) were subject to a Site-Specific Zoning Amendment under Former Kingston Township Zoning By-Law Number 76-26 and are considered a single parcel for the purposes of zoning interpretation. The site-specific provisions established under Zoning By-Law Number 76-26 were carried forward under the new Kingston Zoning By-Law at the time of its approval in April 2022 as Legacy Exception 89 (L89). 1560 Rockwell Drive has received site plan approval (D11-023-2020), and 1580 and 1600 Rockwell Drive are currently subject to active Site Plan Control applications (D11-017-2023 and D11-018-2023).

The apartment developments at 1580 and 1600 Rockwell Drive require relief from the minimum privacy yard and parking (berm and landscaping) provisions of the Legacy Exception (L89) as well as the maximum horizontal lengths of balconies and additional, visitor and car-share parking provisions of the Kingston Zoning By-Law. The applicant seeks to reduce the number of visitor and car-share spaces and provide additional standard parking spaces without providing additional electric vehicle ready car-share spaces. The proposed parking for 1580 and 1600 Rockwell Drive includes 101 electric vehicle ready parking spaces of which 83 are standard spaces, 16 are car-share spaces, and 2 are visitor spaces.

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

- Overall Site Plan (Exhibit F)
- Architectural Drawings (Exhibit G and H)
- Landscape Plan (Exhibit J)
- Privacy Yard Plans (Exhibit I)
- Survey
- 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 properties are located at 1580 and 1600 Rockwell Drive (Exhibit B – Key Map). The properties abuts vacant land planned for commercial and residential development to the north

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and east, a 12-storey apartment building (under construction) to the south and the RioCan Centre to the west (Exhibit C – Neighbourhood Context Map).

The subject property is designated Residential with Site Specific Policy Area 58 in the Official Plan (Exhibit D – Official Plan Map) and zoned Urban Multi-Residential Zone 2 (URM2) with Legacy Exception Overlay 89 (L89) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

Provincial Policy Statement

In addition to the four tests of a minor variance detailed below, 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.

Minor Variance 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:

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

The subject properties are designated Residential in the City of Kingston Official Plan (Exhibit D – Official Plan Map). The properties are located within Site Specific Policy Area 58 (700 Gardiners Road) as set out in Schedule 3-D, which identified the subject lands for high-density residential buildings along Rockwell Drive subject to the following: technical studies that demonstrate adequate access for vehicles and active transportation; a street-oriented design with an enhanced public realm for pedestrians; and parking areas that are appropriately landscaped and screened from view. The proposed residential development meets these policy requirements and will facilitate the construction of two 12-storey apartments containing 316 homes.

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 proposed development meets the Strategic Policy Direction of the Official Plan by providing residential intensification to an area with existing infrastructure. The use and form as proposed are compatible with the surrounding land uses and will not have adverse impacts on abutting properties. As the variances are limited to balconies and privacy yards, the make-up of on-site parking, and adjustments to how the landscaping will screen surface parking, there are no anticipated impacts on adjacent or surrounding properties resulting from this relief.

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The previous development application to establish use permissions for the high-density residential development was approved under Zoning By-Law Number 76-26 and was subject to site-specific zoning provisions (R5-21). Under the former zoning by-law there were: no provisions related to balcony lengths; no maximums related to the provision of parking; and no requirements for visitor and car-share spaces. The site-specific provisions related to privacy yards and landscaped screening of parking areas adjacent to the street are being addressed, however, not as originally prescribed due to site constraints.

The applicant has provided a Planning Justification and drawings that speak to requested variances and demonstrate that the requested relief across the overall site (parcel containing 1560, 1580 and 1600 Rockwell Drive) that has appropriate access, vehicular circulation, and parking to serve the high-density residential development. The proposal includes limited access off Rockwell Drive (one drive per property), appropriate car, visitor, car-share and bike parking for each property, and landscaping to screen views to surface parking from the public street. The proposed development also provides a thoughtful pedestrian realm with a large and varied landscaped front and internal yard, walkways to provide safe access throughout the site and between the street, buildings, parking and site amenities and services, and outdoor amenity spaces. The landscape includes a mix of curated amenity spaces, clusters and rows of trees and planting beds.

Approving the requested variances with the recommended conditions of approval will not set an undesirable precedent for the immediate area given the unique circumstances of the application transitioning into the new Kingston Zoning By-Law and that it has been demonstrated that there will be no adverse impacts.

The Committee of Adjustment may require additional conditions as it deem appropriate to the approval of the application. Recommended conditions are listed in "Exhibit A – Recommended Conditions", attached to this report. Conditions may be added, altered, or removed at the Committee's discretion. Included is a special condition to provide 101 electric vehicle ready parking spaces (47 at 1580 Rockwell Drive and 54 at 1600 Rockwell Drive). These will be applied to standard, visitor, and car-share parking spaces.

The proposal meets the intent of the Official Plan, as the proposed variances 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 Urban Multi-Residential Zone 2 (URM2) with Legacy Exception Overlay 89 (L89) in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The Legacy Exception zone permits the proposed high-density 12-storey apartments.

The proposal requires variances to certain criteria set out in the Kingston Zoning By-law as outlined below.

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1580 Rockwell Drive:

Variance Number 1:

By-Law Number 2022-	62: Legacy Exception L89 (e) Privacy Yards (i) minimum depth and
	location at Apartment Dwelling Houses
Requirement:	A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 3.0 metres measured at right angles from such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.
Proposed:	A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 1.5 metres measured at right angles from each window located along such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required.
Variance Requested:	1.5 metres and parameters of width;

1600 Rockwell Drive:

Variance Number 6:

By-Law Number 2022-62: Legacy Exception L89 (e) Privacy Yards (i) minimum depth and location at Apartment Dwelling Houses

- Requirement:A privacy yard must be provided for Apartment Dwelling Houses with a
minimum depth of 3.0 metres measured at right angles from such wall
the window adjoins except at front entrance and rear entrance where a
1.5 metre yard is required.Proposed:A privacy yard must be provided for Apartment Dwelling Houses with a
- Proposed: A privacy yard must be provided for Apartment Dwelling Houses with a minimum depth of 1.5 metres measured at right angles from each window located along such wall the window adjoins except at front entrance and rear entrance where a 1.5 metre yard is required. Variance Requested: 1.5 metres and parameters of width;

The intent of the privacy yards provision included in Legacy Exception L89 is to provide an adequate separation distance between ground floor homes and adjacent walkways and driveways. The privacy yards provision has been carried over from the previous zoning by-law (By-Law Number 76-26) and it is not a requirement of the Kingston Zoning By-Law.

In this proposal, 1.5 metre wide walkways encircle the buildings and serve to provide residents and visitors with easy and safe access to the front and rear entrances from the street and/or adjacent parking areas. The proposed variance to the depth of the privacy yards and how they are measured from the wall maintains the intent and purpose of the zoning provision in that it provides a sufficient separation distance between walkways and ground floor unit windows to maintain privacy. The greatest reduction to the required privacy yards occurs at the corner units where the walkways curve around the building. At these locations the windows are not directly adjacent to the walkways. In addition, screening will be provided where ground floor homes are located adjacent to building entrances for additional privacy. Exhibit I provides a detailed diagram of the proposed privacy yards.

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1580 Rockwell Drive:

Variance Number 2:

By-Law Number 2022-6	62:Legacy Exception L89 (h) Parking (ii) minimum berm height and
	minimum width of landscaping strip if parking located within any yard
	adjacent to a street
Requirement:	1.0 metre high berm with a minimum 3.0 metres wide landscaping strip containing a mix of coniferous and deciduous trees.
Proposed:	Continuous landscaping containing a mix of multi-level planting beds, coniferous trees and deciduous trees
Variance Requested:	1.0 metres high berm and 3.0 metre wide landscaping strip;

The intent of the parking provision included in Legacy Exception L89 is to provide adequate landscaped screening between the street and at grade parking areas in front of the building. The proposed variance maintains the intent and purpose of this provision as landscaped screening will be provided in an alternate configuration and there is a significant distance (approximately 18 metres) between Rockwell Drive and the eight visitor parking spaces in front of the apartment at 1580 Rockwell Drive.

The provision, as written, is difficult to comply with as the west edge of the property (along Rockwell Drive) is constrained by a 4.0 metre wide hydro easement. Access to the below grade services must be maintained making it an unsuitable location for either a berm or tree planting. As an alternative the applicant is proposing a continuous landscaping treatment of trees and multi-level planting beds along the Rockwell Drive frontage. The landscaping includes a mix of deciduous and coniferous tree species as well as a staggered 1.5 metre tall planting bed that will provide adequate screening and enhance the streetscape along Rockwell Drive (Exhibit J – Landscape Plan). The proposed development complies with the Kingston Zoning By-Law provisions related to the location of surface parking for multi-unit residential development in the urban area. Section 7.4.9.(a) directs parking spaces to be located in the rear yard or interior yard with the exception of visitor spaces which may be located in the front yard or exterior yard provided that they are not located closer than 3.0 metres to any lot line nor closer than 7.5 metres to any street line. The proposed front yard parking spaces function as visitor spaces until such spaces are needed for car-share service, in accordance with Section 7.1.18 of the Kingston Zoning By-Law.

1580 Rockwell Drive:

Variance Number 3:

By-Law Number 2022-62: 4.20.1.(2) Maximum horizontal length of each face of the main wall of		
	each storey occupied by balconies	
Requirement:	30%	
Proposed:	North face: 33%, east face 38% and south face 33%	
Variance Requested:	North face: 3%, east face 8% and south face 3%	

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1600 Rockwell Drive:

Variance Number 7:

By-Law Number 2022-62: 4.20.1.(2) Maximum horizontal length of each face of the main wall of		
	each storey occupied by balconies	
Requirement:	30%	
Proposed:	Southeast face: 33%, southwest face 38% and northwest face 33%	
Variance Requested:	Southeast face: 3%, southwest face 8% and northwest face 3%	

The intent of the provision related to the maximum horizontal length of balconies on the main wall of each storey of a building is to limit increases to the massing through the incorporation of balconies and reduce the potential for overlook. The balconies contribute to the amenity space requirements for the apartments as they provide private amenity space for the individual residential units. The proposed variance maintains the intent and purpose of this provision as the requested increase to the horizontal lengths of the balconies are minimal and as such will have a negligible impact on the massing of the building and overlook potential.

The overall site plan for the triangle shaped parcel places the three apartment buildings in a way that limits the potential of overlook within the site (Exhibit F – Site Plan). The buildings are located on an angle (rather than parallel) to one another, are arranged around a central amenity and servicing area, and are adequately separated from one another by a distance of over 35 metres. Given the overall site plan, this change is not anticipated to affect the privacy of adjacent properties.

The increase to the balcony length of 8% at the maximum equates less than 5 metres across the broad side of the building. This is not anticipated to make a significant difference in the apparent massing of the proposed buildings compared to what is permitted as-of-right as shown on the architectural drawings (Exhibits G and H). It will also provide architectural consistency with the approved apartment building at 1560 Rockwell Drive, which is currently under construction.

1580 Rockwell Drive:

Variance Number 4:

By-Law Number 2022-62: 7.1.15.(2)(b) Permission to provide more parking spaces than the
maximum, requirement for additional car-share spaces equipped with
electric vehicle ready for every four additional parking spacesRequirement:6Proposed:0Variance Requested:6

Variance Number 5:

By-Law Number 2022-62: Table 7.1.1.(1)(iii) minimum visitor spaces				
Requirement:	24			
Proposed:	3			
Variance Requested:	21			

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1600 Rockwell Drive:

Variance Number 8:

By-Law Number 2022-62: 7.1.15.(2)(b) Permission to provide more parking spaces than the				
	maximum, requirement for additional car-share spaces equipped with			
	electric vehicle ready for every four additional parking spaces			
Requirement:	12			
Proposed:	0			
Variance Requested:	12			

Variance Number 11:

By-Law Number 2022-62: Table 7.1.1.(1)(iii) minimum visitor spaces				
Requirement:	24			
Proposed:	3			
Variance Requested:	21			

The site-specific zoning for the subject properties was established under Former Zoning By-Law Number 76-26 which did not include parking space maximums, nor minimum requirements for visitor and car-share parking spaces. The Kingston Zoning By-Law significantly decreased the required rates of parking for residential uses as prescribed in the Power of Parking discussion paper (<u>Report Number PC-21-040</u>), added visitor and car share minimum parking rates, and attached specific requirements to additional parking spaces.

In this case, the applicant has proposed a varied parking strategy that includes standard, visitor and car-share parking spaces and meets the bike space requirements. In addition, 101 or approximately 25% of the parking spaces on the two properties will be electric vehicle ready (EV ready). A breakdown of the proposed and required parking space types is detailed in the table below:

Provision	Requirement per apartment	1580 Rockwell Drive	1600 Rockwell Drive
Standard parking	126 - 158	182 (39 EV ready)	207 (44 EV ready)
spaces			
Table 7.1.1.1.(a)(i)			
Car-share spaces	8	7 (7 EV ready)	9 (9 EV ready)
Table 7.1.1.1.(a)(ii)			
Visitor spaces	24	3 (1 EV ready)	3 (1 EV ready)
Table 7.1.1.1.(a)(ii)			
Total	158 - 190	192	219
Parking ratio	1.20	1.21	1.39
Additional standard		24	49
parking spaces			
EV ready spaces		47	54

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Under Kingston Zoning By-Law 2022-62, parking beyond the maximum may be permitted on these properties providing that all additional parking spaces are EV ready and if one EV ready car-share space is provided for every four additional parking spaces. The parking proposal exceeds the requirement for EV ready parking spaces with 83 allocated to standard parking spaces across the two properties, however, given the distribution of the EV ready spaces there is a deficiency at 1600 Rockwell Drive. With respect to the requirement for an additional 18 EV ready car-share spaces across the two properties, the applicant is requesting a reduction based on their experience managing apartment rentals in Kingston and the area.

The applicant is also requesting reductions to the number of visitor and car-share spaces. They are also proposing that car-share spaces will be used as visitor spaces until car-share services are in operation on the properties, which is permitted in accordance with Section 7.1.18 of the Kingston Zoning By-Law

Recognizing that the proposed development undertook a rezoning process prior to the approval of the Kingston Zoning By-Law and the introduction of visitor parking, car-share parking, and maximum parking requirements, the requested variances are required to allow the development to proceed as originally intended. Overall, the proposed variances to the noted parking provisions maintain the intent of the Kingston Zoning By-Law in that they provide the residents and users with sufficient vehicular parking, meet the bike parking requirements, and exceed the requirements for EV ready parking spaces. This tailored parking strategy is also consistent with the City of Kingston active transportation and sustainability goals.

The requested variances maintain the general intent and purpose of the zoning by-law.

3) The variance is minor in nature

The variances are considered minor as is they will not impact the functioning of the residential development on these properties or adjacent ones. As noted, an overall parking ratio of 1.3 parking spaces per home (411 parking spaces for 316 homes in total). This is an increase equivalent to 0.1 parking spaces per residential unit (or 31 parking spaces) when considered in relation to the total of number of standard, car-share and visitor parking spaces allowed and/or required under the Kingston Zoning By-Law.

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

The variances are desirable and appropriate use of the land. The changes to the privacy yard provisions maintain the requirement for a privacy yard while allowing for safe and accessible site circulation. The proposed landscaping along the street meets the intent to screen views to surface parking between the street and the building while avoiding conflicts with servicing easements. The increased lengths of the balconies provide a visual consistency with the sister apartment building at 1560 Rockwell Drive as well as additional private amenity space while not significantly increasing the perceived massing of the building or risk of overlook. The changes to the parking will provide a range of vehicle and bike parking appropriate for the residential use including 101 EV ready spaces. Finally, these changes facilitate the development of two 12-

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storey apartment building containing 316 homes and are not anticipated to have an adverse impact on the adjacent or surrounding properties. The approval of this application will facilitate an increase the availability rental apartments within the Urban Boundary.

Technical Review: Circulated Departments and Agencies

- Building ServicesFinance
- Engineering
- Utilities Kingston

□ Kingston Hydro

⊠ Parks Development

⊠ District Councillor

□ Municipal Drainage

□ KFL&A Health Unit

□ Enbridge Pipelines

⊠ Forestry

Eastern Ontario Power

- \boxtimes Fire & Rescue
- Solid Waste
- \boxtimes Housing
- □ KEDCO
- \boxtimes CRCA
- Parks Canada
- ⊠ Hydro One
- ⊠ 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 in regards to this 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

An application for zoning by-law amendment (File Number D14-120-2015) was submitted in 2015 to permit high-density development on these properties as well as change to other adjacent parcels. The amendment to Zoning By-Law Number 76-26 was approved by Council on February 7, 2018. The adjacent property at 1560 Rockwell Drive was subject to a previous Site Plan Control application under Kingston Township Zoning By-Law 76-26.

The properties are currently subject to Site Plan Control applications (File Numbers D11-017-2023 for 1580 Rockwell Drive and D11-018-2023 for 1600 Rockwell Drive), which are both nearing completion of technical review. Since site plan approval was granted for 1560 Rockwell Drive, Kingston Zoning By-Law 2022-62 has come into effect replacing Kingston Township Zoning By-law 76-26 and introducing new provisions related to parking and balconies (as apply here).

- ☑ Heritage Services
- □ Real Estate
- ☑ Environment Division
- □ Canadian National Railways
- □ Ministry of Transportation
- □ Parks of the St. Lawrence
- □ Trans Northern Pipelines
- □ CFB Kingston
- □ TransCanada Pipelines
- ☑ Transportation Services

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The minor variance application for 1580 and 1600 Rockwell Drive seek to address areas of noncompliance with Kingston Zoning By-Law 2022-62

Conclusion

The requested variance(s) maintain(s) the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. 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 permit modifications to the balconies, privacy yards, landscaped screening and parking areas of the two apartment developments.

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

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on December 11, 2023 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 4 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 (Exhibit H – Public Notification Map).

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:

Meghan Robidoux, Supervisor, Development Approvals, 613-546-4291 extension 1256

Lindsay Reid, Senior Planner – Urban Designer, 613-546-4291 extension 3277

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2023)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Overall Site Plan
- Exhibit G Architectural Drawings for 1580 Rockwell Drive
- Exhibit H Architectural Drawings for 1600 Rockwell Drive
- Exhibit I Privacy Yard Plans for 1580 and 1600 Rockwell Drive
- Exhibit J Landscape Plan for 1580 Rockwell Drive
- Exhibit K Site Photos
- Exhibit L Public Notification Map

Recommended Conditions

The approval of the minor variance application, File Number D13-022-2023, to adjust the privacy yard, berm and landscaping, balcony length and additional, visitor and carshare parking provisions, shall be subject to the following recommended conditions:

1. Limitation

That the approved minor variances apply only to the properties at 1580 and 1600 Rockwell Drive 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

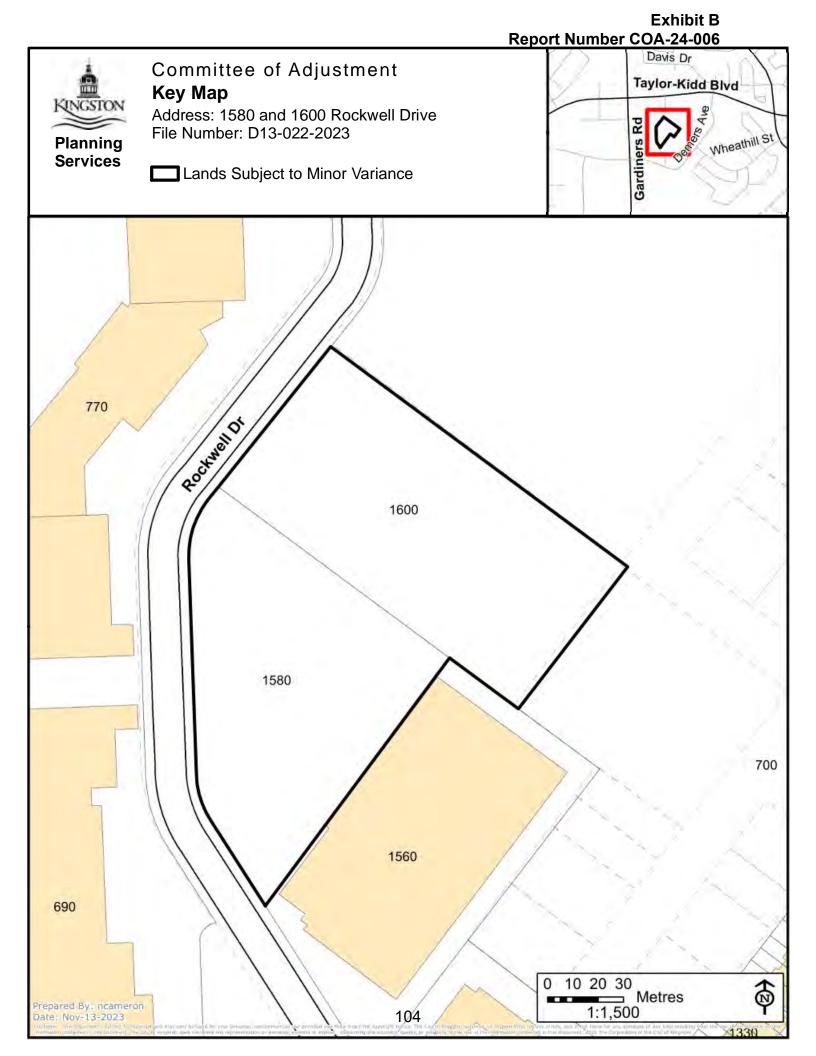
In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca) 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 Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

5. Electric Vehicle Ready Parking Spaces

The applicant will provide a total of 101 Electric Vehicle Ready (EV Ready) parking spaces at 1580 and 1600 Rockwell Drive. The make up of the EV Ready parking spaces is as follows:

- 1580 Rockwell Drive: 39 standard spaces, 7 car-share spaces and 1 visitor space; and
- 1600 Rockwell Drive: 44 standard spaces, 9 car-share spaces and 1 visitor space.





Planning Services

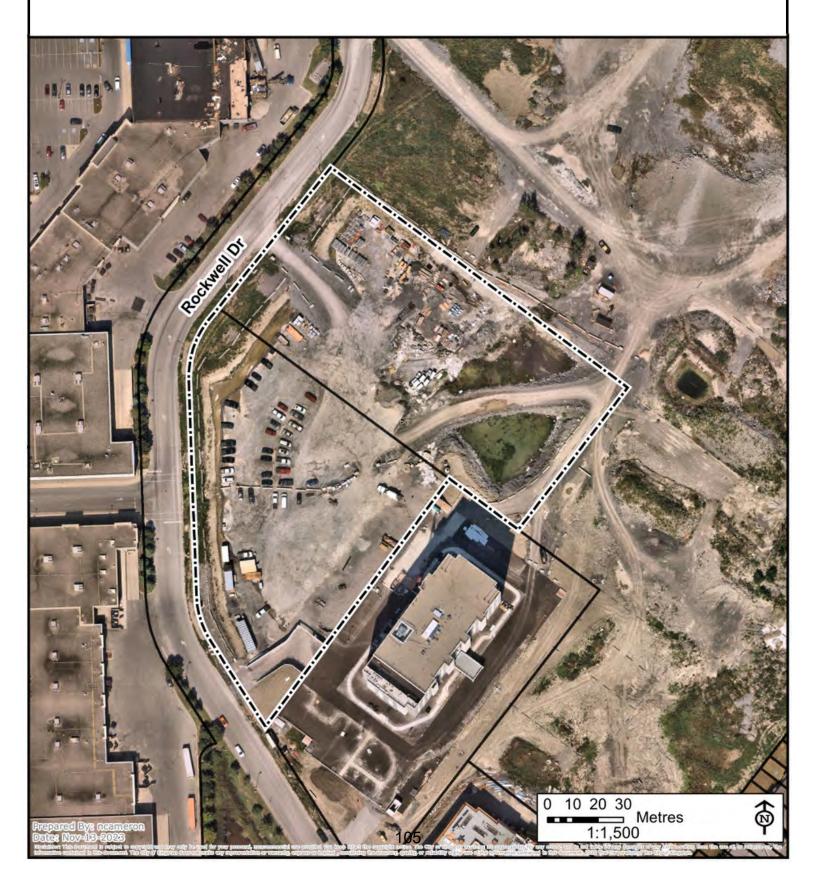
Committee of Adjustment Neighbourhood Context (2023)

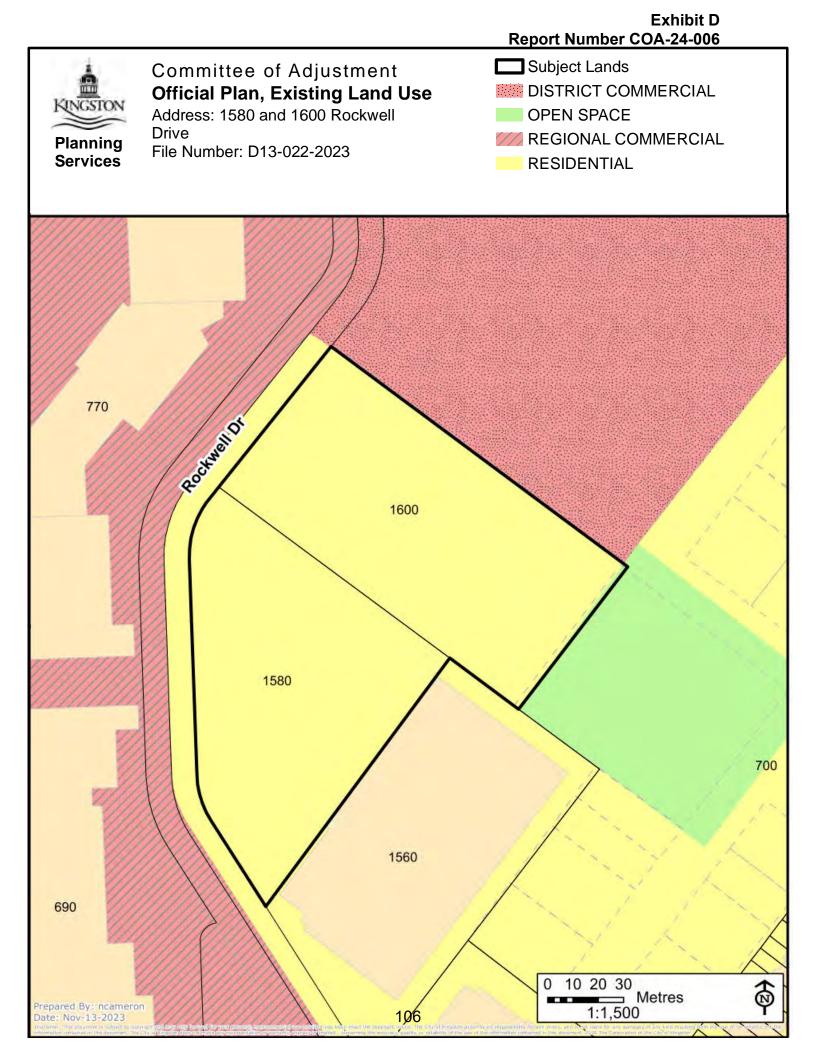
Address: 1580 and 1600 Rockwell Drive File Number: D13-022-2023

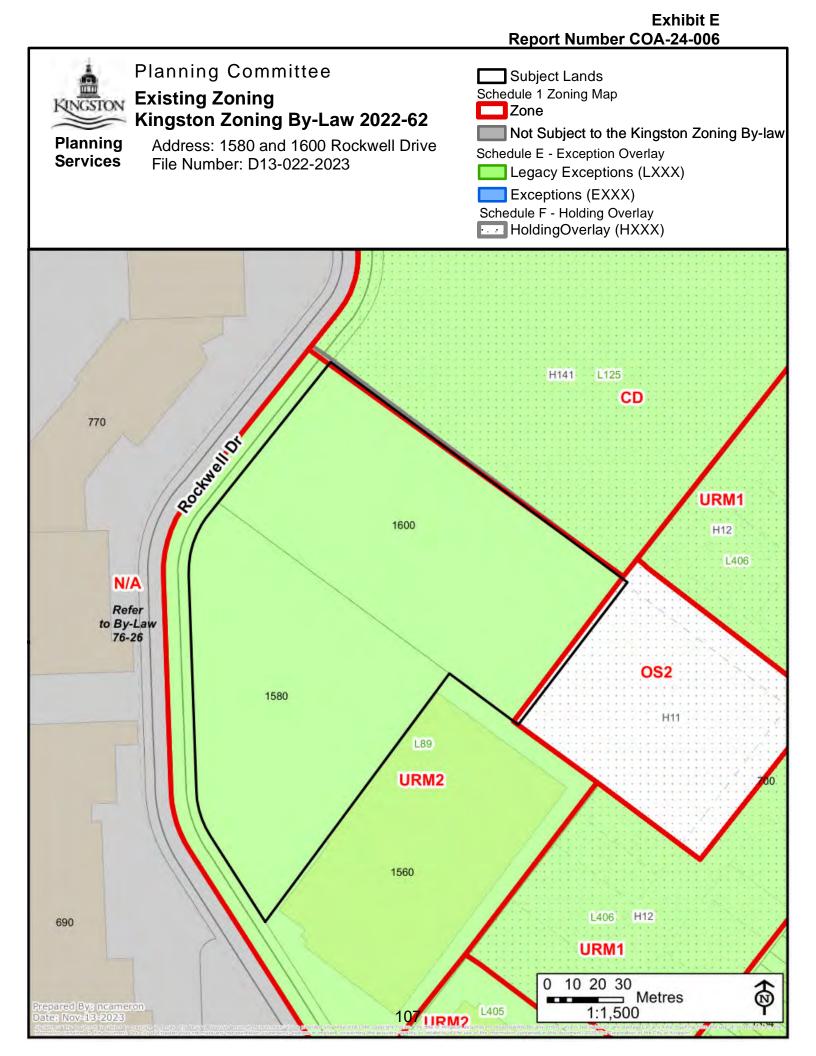


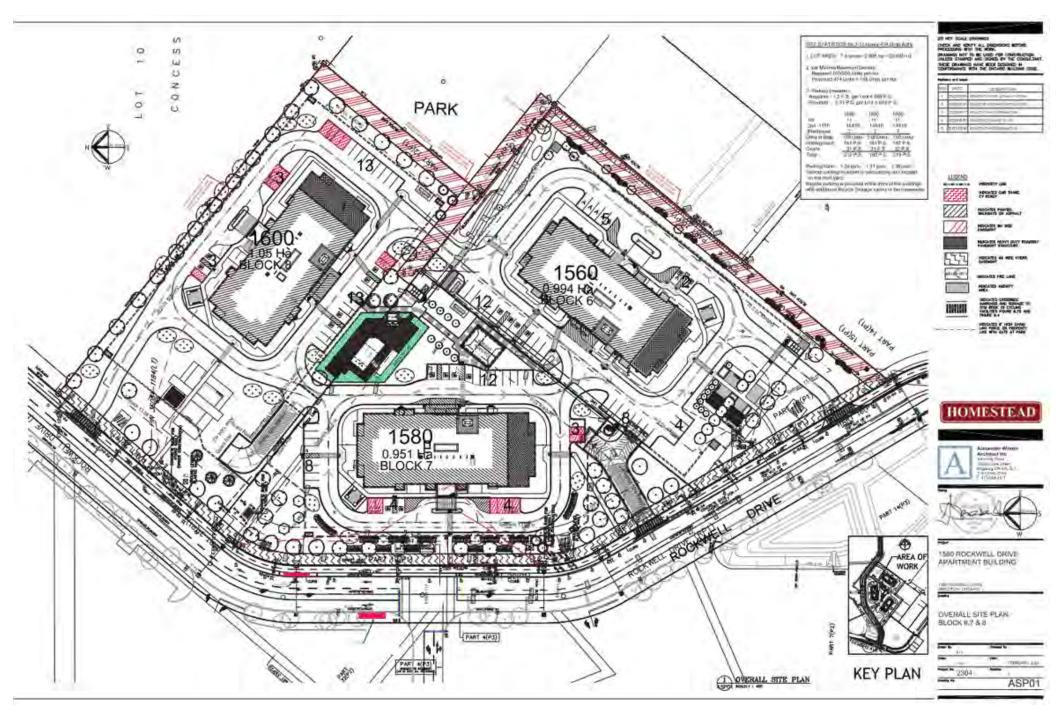


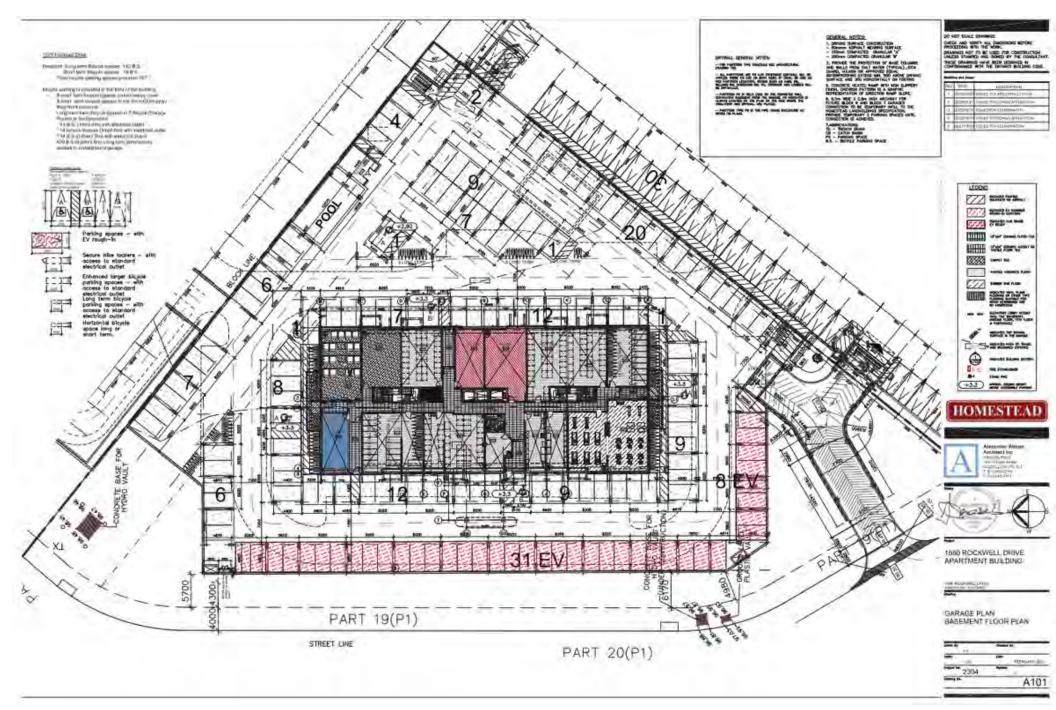
Proposed Parcels

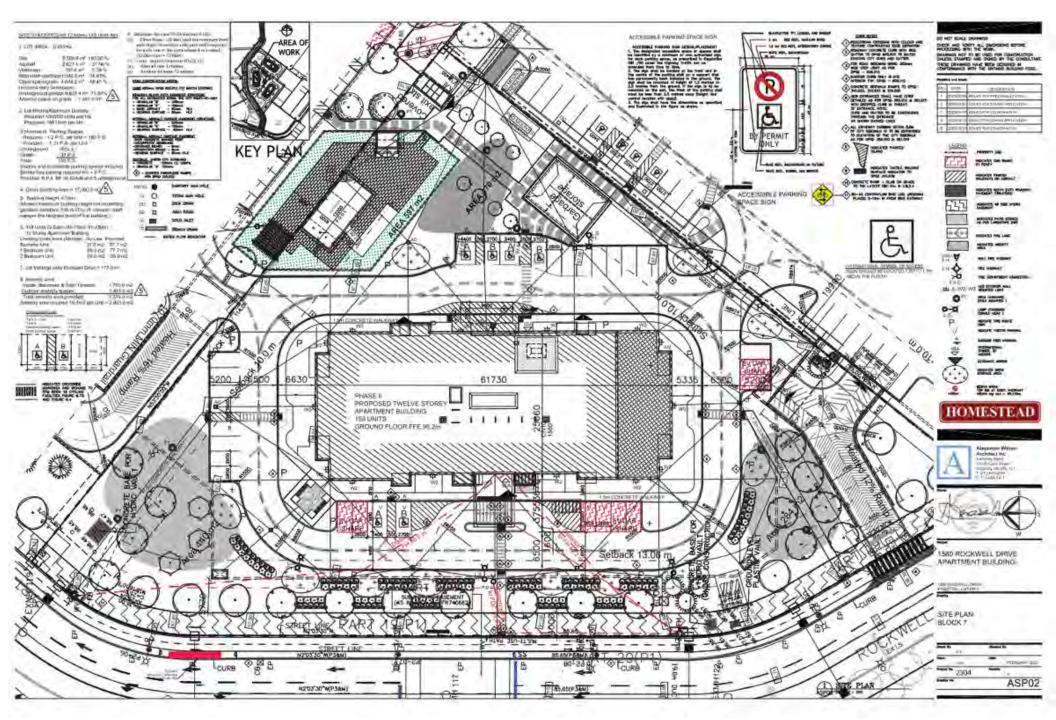


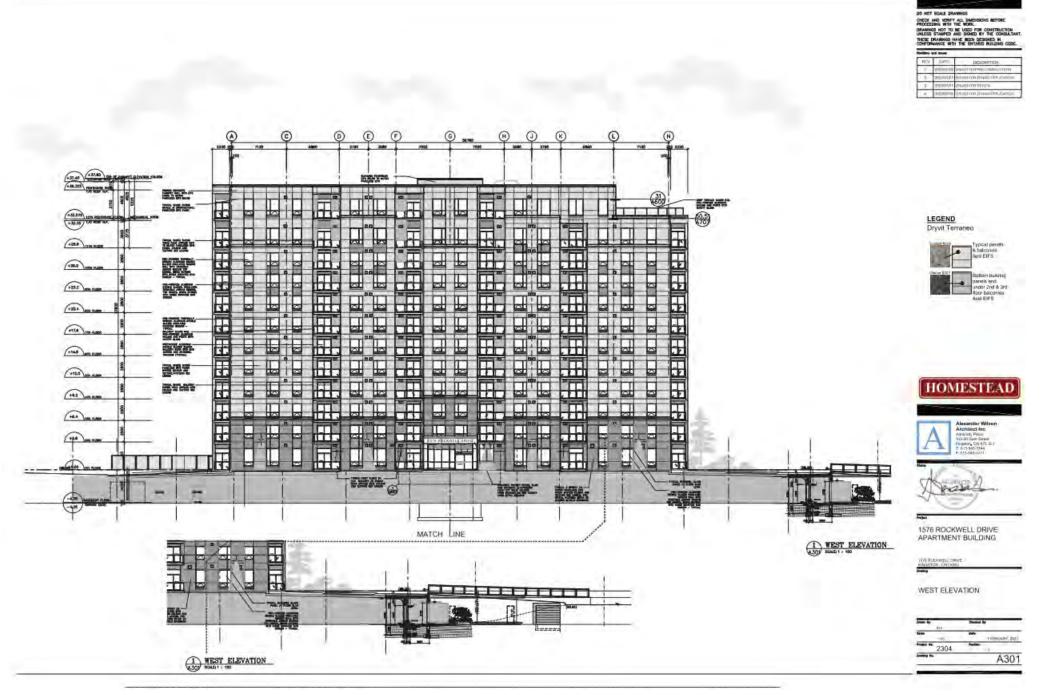


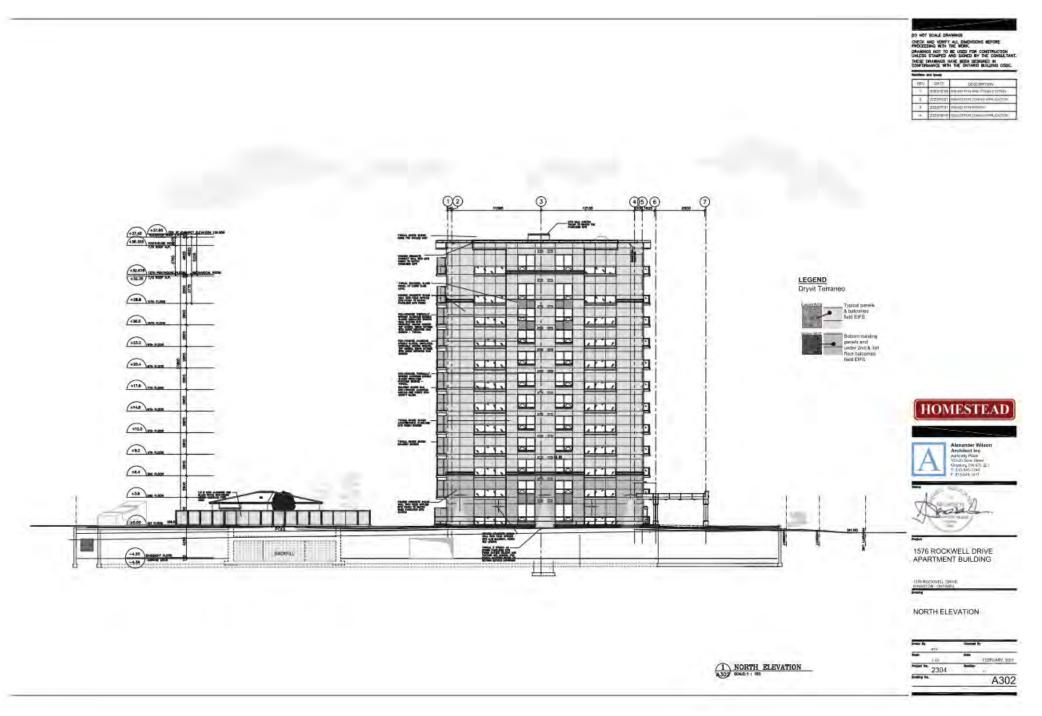


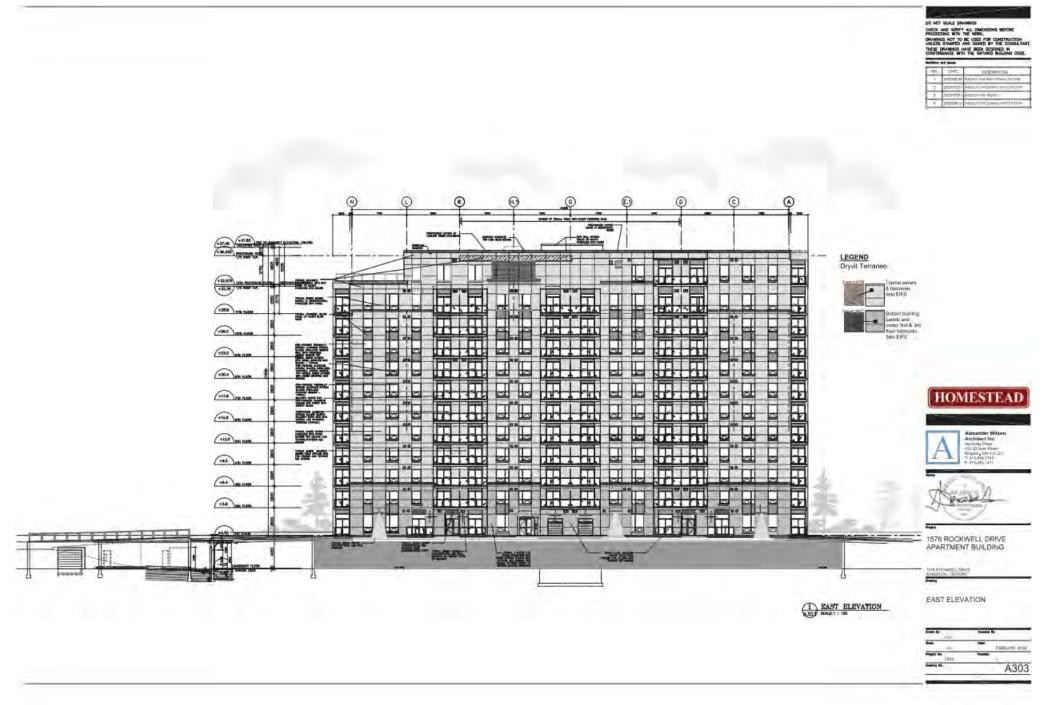


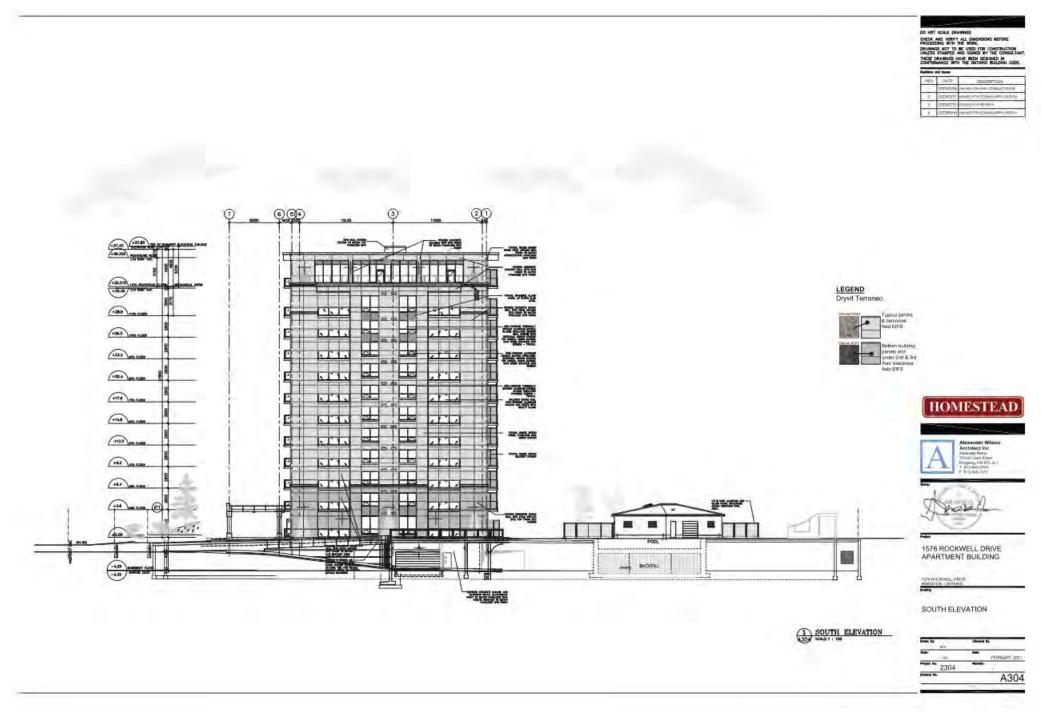


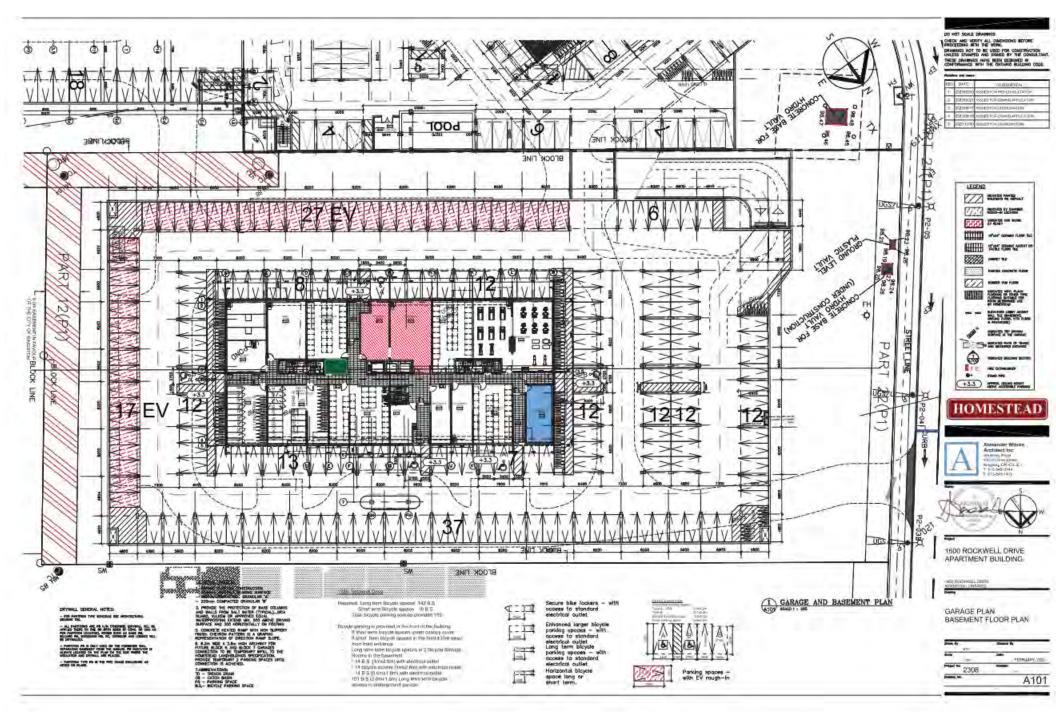


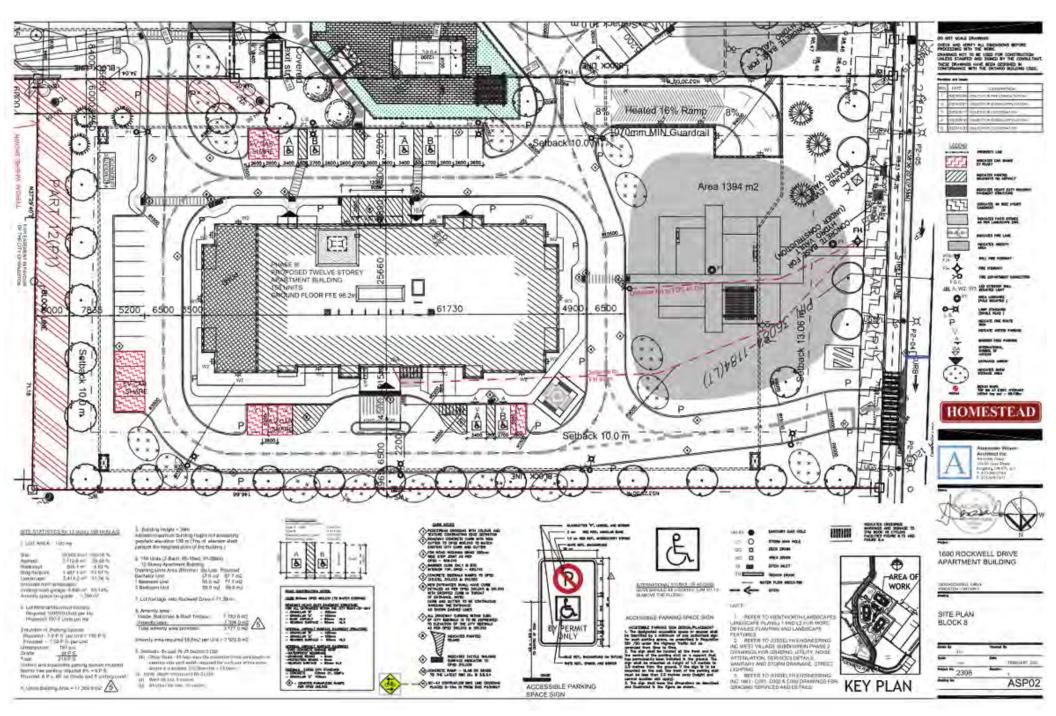


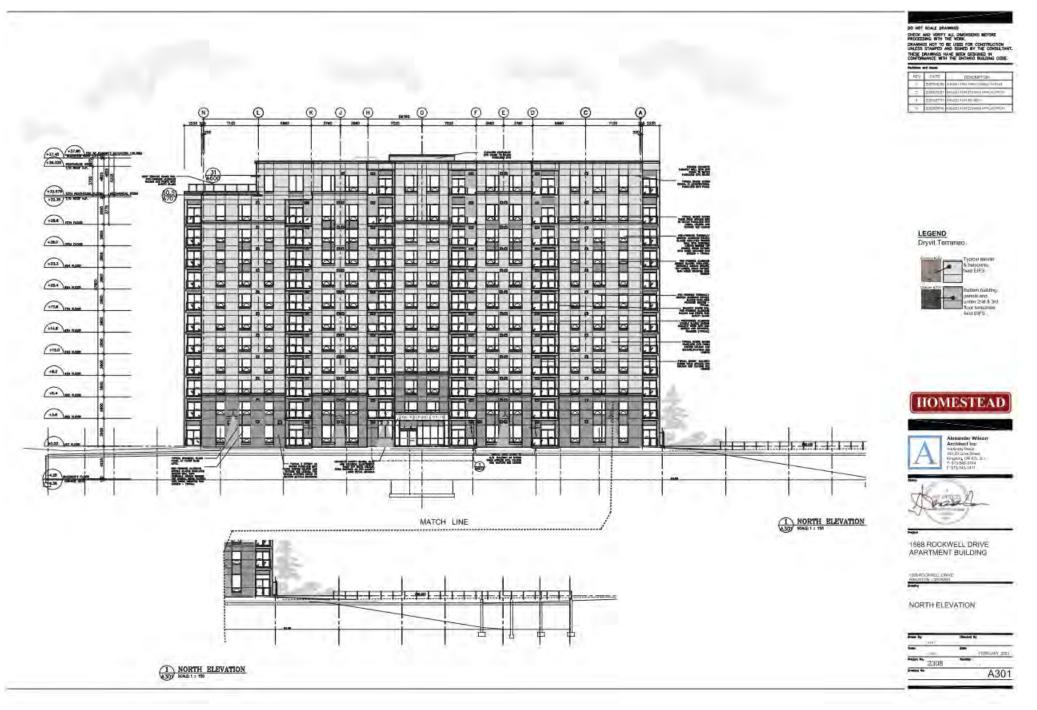


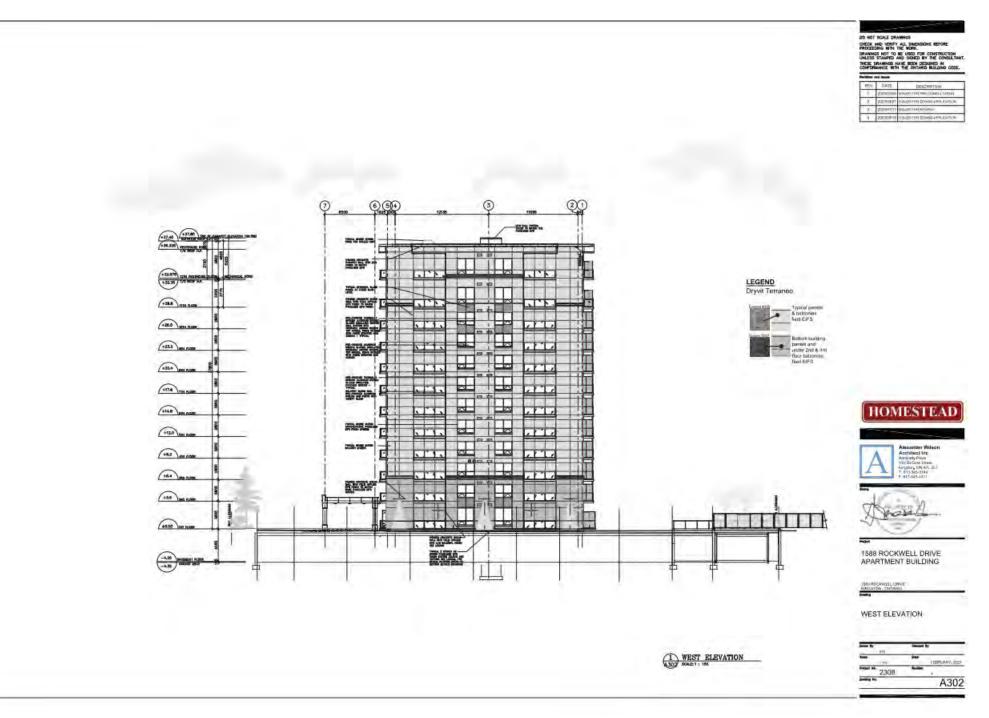


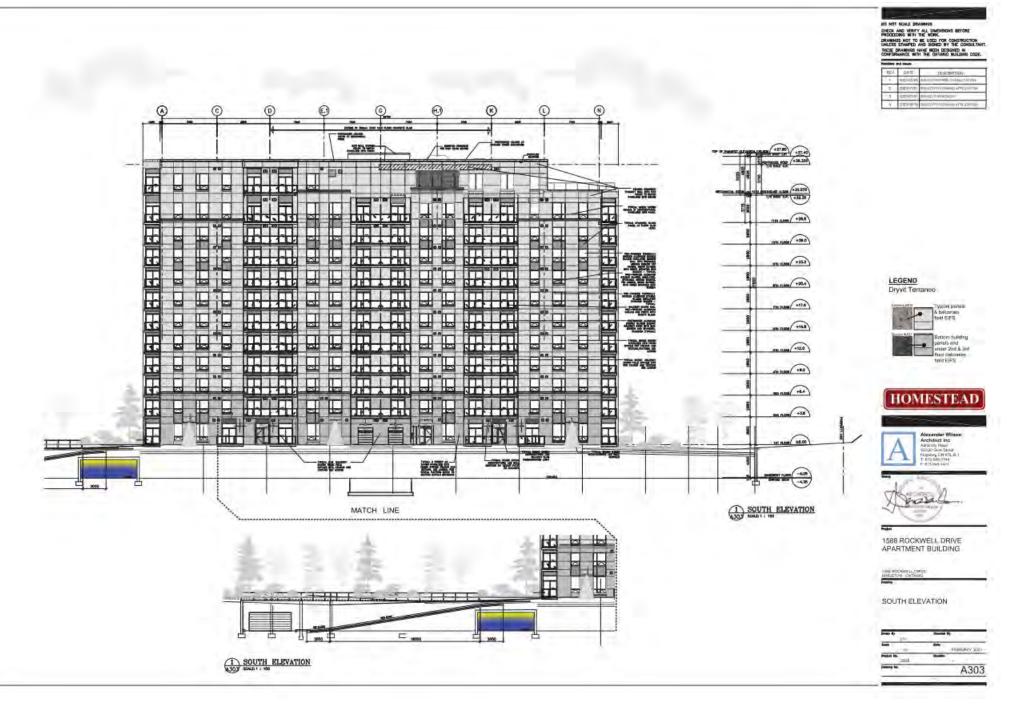


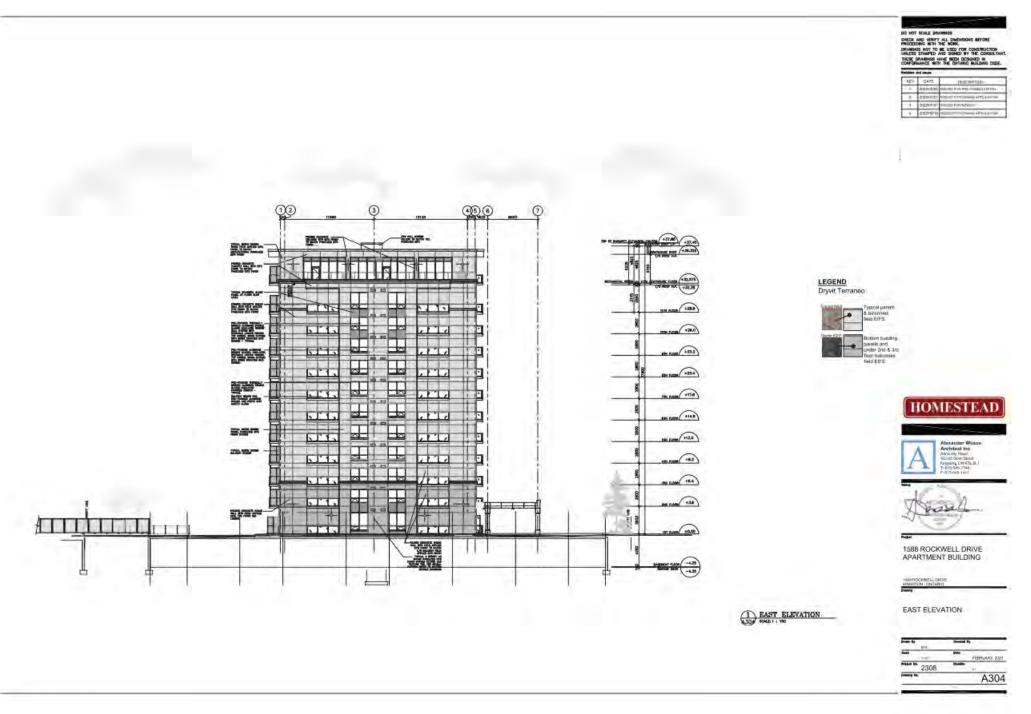


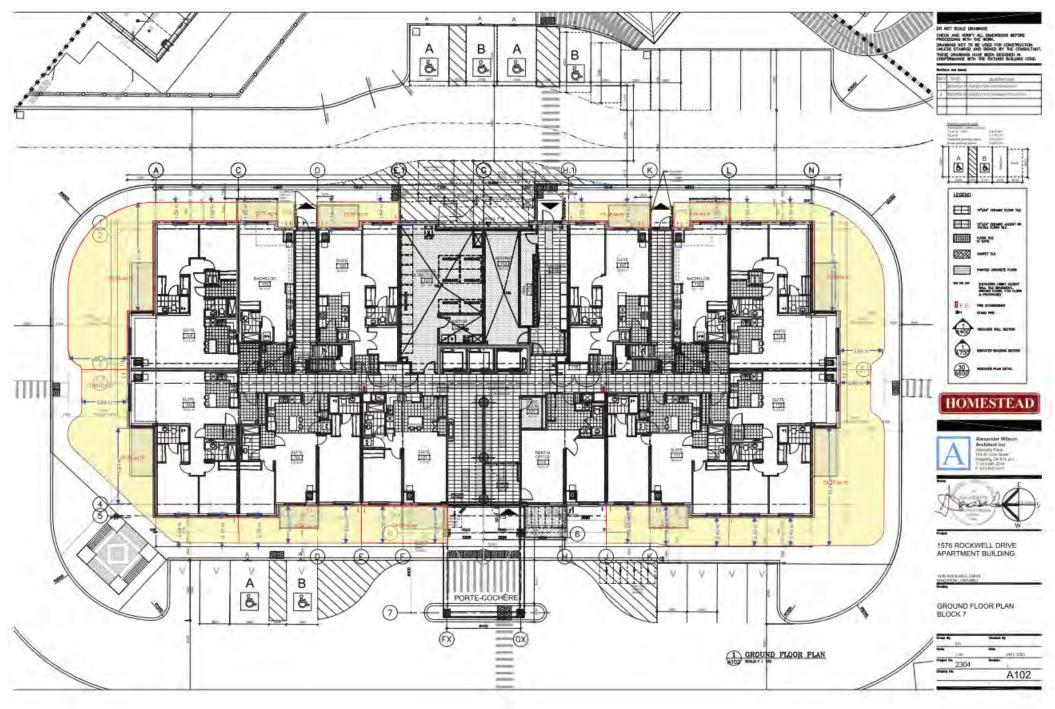


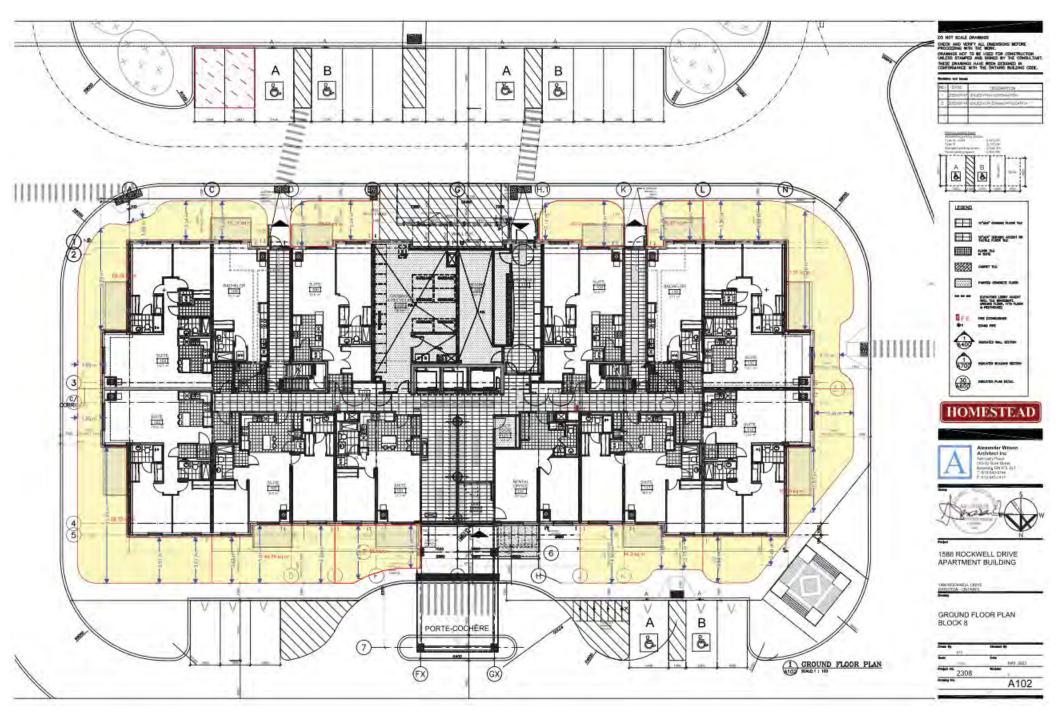












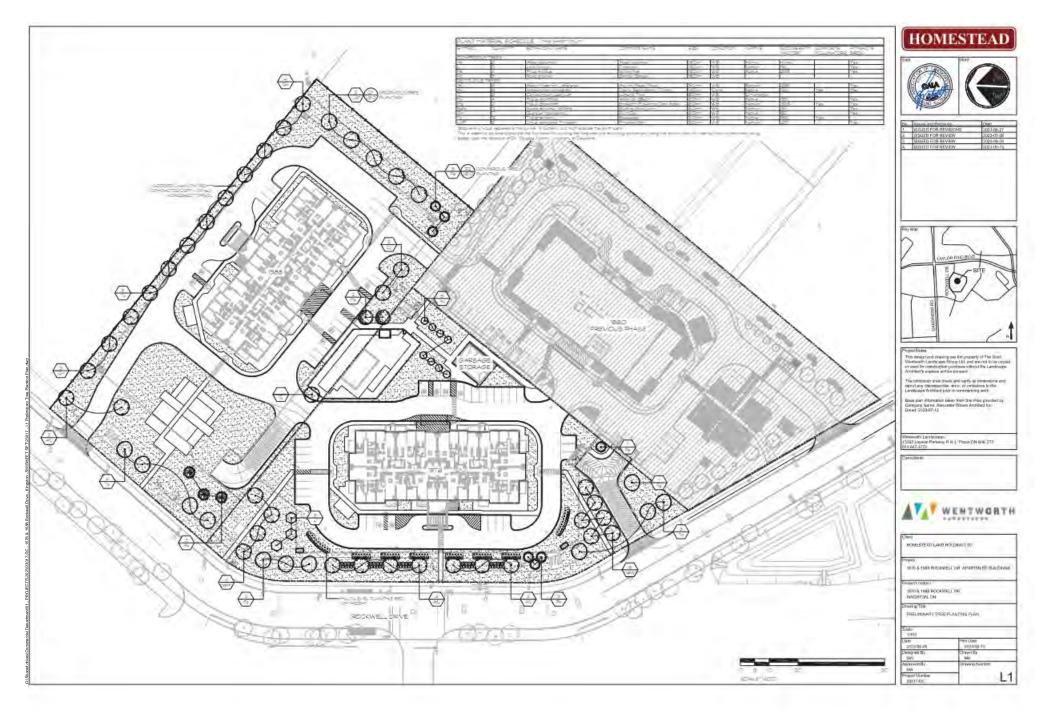


Figure 1: Looking north along Rockwell Drive to the subject properties.



Figure 2: Looking east from Rockwell Drive to the subject properties.

Site Photographs – July 26, 2023



Figure 3: View of the existing right-of-way along east side of Rockwell Drive.



Figure 4: Looking south-east from Rockwell Drive to the apartment at 1560 Rockwell Drive and the long-term care facility at 1306 Demers Avenue (under construction).

