

## City of Kingston Report to Committee of Adjustment Report Number COA-24-007

То:	Chair and Members of the Committee of Adjustment
From:	Annemarie Eusebio, Intermediate Planner
Date of Meeting:	December 11, 2023
Application for:	Minor Variance
File Number:	D13-065-2023
Address:	1586 Centennial Drive
District:	District 2 - Loyalist-Cataraqui
Owner:	Suncor Energy Inc.
Applicant:	City of Kingston – Transportation Services

#### **Council Strategic Plan Alignment:**

Theme: Regulatory & compliance

Goal: See above

#### **Executive Summary:**

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 1586 Centennial Drive. The property is currently developed with a Petro Canada gas station, a restaurant and a retail store. The site is located at the northeast corner of Gardiners Road and Centennial Drive. Access to the site is provided directly from Centennial Drive and Robinson Court.

City of Kingston Transportation Services staff are currently undertaking the design for capital intersection improvements at the Gardiners Road/Centennial Drive/Creekford Road intersection. Proposed improvements include the widening of the intersection with additional turning lanes, updating signal timings, and implementation of active transportation facilities. The design will also involve the reconstruction of the intersection where the existing median along Centennial Drive is proposed to be extended to Robinson Court. A break in the median will be provided to

Page 2 of 10

accommodate eastbound turning traffic into the site. As a result of this work, the driveway entrance into the subject property along Centennial Drive is required to be widened and shifted 9 metres east from its current location.

The proposed increase in driveway width will accommodate the new left-in/right-in/right-out configuration, which includes the installation of a "pork chop" island that will prevent and discourage 'left-out' movements from the site. The required relocation and expansion of the driveway entrance on the subject property is necessary to the safety and operation of the Gardiners Road/Centennial Drive/Creekford Road intersection.

In accordance with the applicable driveway provisions in Kingston Zoning By-Law Number 2022-62, the maximum width of a driveway within the required front setback or exterior setback is 9 metres. The width of the existing driveway along Centennial Drive is 8.9 metres. The proposed width for the new driveway is 12.2 metres. A minor variance is required to seek relief from the maximum permitted driveway width.

As the municipal road improvement works has impacted the driveway width and location of the existing driveway on the site, City of Kingston Transportation Services staff have submitted the application on behalf the owner.

The requested minor variance is 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 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.

## **Recommendation:**

**That** minor variance application, File Number D13-065-2023, for the property located at 1586 Centennial Drive to increase the maximum permitted width of the existing driveway along Centennial Drive, be approved, as described below:

#### Variance Number 1:

By-Law Number 2022-6	2:Section 7.4.10 (2)
Requirement:	The maximum width of a driveway within the required front setback or exterior setback is 9 metres.
Proposed:	The maximum width of a driveway within the required front setback or exterior setback is 12.2 metres.
Variance Requested:	3.2 metres

**That** approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-007.

Page 3 of 10

### Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Annemarie Eusebio, Intermediate Planner

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

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

Page 4 of 10

#### **Options/Discussion:**

On October 26, 2023, a minor variance application was submitted by City of Kingston – Transportation Services, on behalf of the owner, Suncor Energy Inc., with respect to the property located at 1586 Centennial Drive. The variance is requested to seek relief from the maximum width of a driveway within the required front setback or exterior setback. The property is currently developed with a Petro Canada gas station, a restaurant and a retail store. The site is located at the northeast corner of Gardiners Road and Centennial Drive. Access to the site is provided directly from Centennial Drive and Robinson Court.

The City of Kingston Active Transportation Services staff are currently undertaking the design for capital intersection improvements at the Gardiners Road/Centennial Drive/Creekford Road intersection. Proposed improvements include the widening of the intersection with additional turning lanes, updating signal timings, and implementation of active transportation facilities. The design will also involve the reconstruction of the intersection where the existing median along Centennial Drive is proposed to be extended to Robinson Court. A break in the median will be provided to accommodate eastbound turning traffic into the site. As a result of this work, the driveway entrance into the subject property along Centennial Drive is required to be widened and shifted 9 metres east from its current location.

The proposed increase in driveway width will accommodate the new left-in/right-in/right-out configuration, which includes the installation of a "pork chop" island that will prevent and discourage 'left-out' movements from the site. The required relocation and expansion of the driveway entrance on the subject property is necessary to the safety and operation of the Gardiners Road/Centennial Drive/Creekford Road intersection.

In accordance with the applicable driveway provisions in Kingston Zoning By-Law Number 2022-62, the maximum width of a driveway within the required front setback or exterior setback is 9 metres. The width of the existing driveway along Centennial Drive is 8.9 metres. The proposed width for the new driveway is 12.2 metres. A minor variance is required to seek relief from the maximum permitted driveway width.

As the municipal road improvement works has impacted the driveway width and location of the existing driveway on the site, City of Kingston Transportation staff have submitted the application on behalf the owner.

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

- Site Plan (Exhibit F)
- Cover 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.

Page 5 of 10

#### Site Characteristics

The subject property is located at 1586 Centennial Drive (Exhibit B – Key Map), which is situated on the northeast corner of Centennial Drive and Gardiners Road and bounded by Robinson Court to the east. The site is directly south of Highway 401. The property abuts a storm water management pond directly to the north. The site is also adjacent to the Cataraqui Estates Business Park, which includes uses such as a manufacturing company, a restaurant and a gas station site to the south of the site and an indoor trampoline park, a warehouse and a light industrial use to the east of the site. (Exhibit C – Neighbourhood Context Map).

The subject property is designated Business Park Industrial and is subject to Site Specific Policy Area Number 25 in the Official Plan (Exhibit D – Official Plan Map). The site is located within an Employment Service Zone (M4) and is subject Legacy Exception Number 402 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 property is designated Business Park Industrial and is subject to Site Specific Policy Area Number 25 in the City of Kingston Official Plan (Exhibit D – Official Plan Map).

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 subject property is located within a Business District as noted in Schedule 2. The proposal is compatible with the surrounding employment uses and will not result in significant impacts or changes to the immediate area. There will be no impact on built and natural resources.

Section 2.7.3 discusses land use compatibility matters. The overall proposed intersection design along Gardiners Road/Creekford Road and Centennial Drive is intended to improve traffic and

Page 6 of 10

safety levels within the immediate area of the subject property. The proposed road improvement works will result in the relocation and expansion of the existing driveway, which will provide improved access into the site (Exhibit F – Site Plan). The proposal is not expected to interfere with surrounding active transportation infrastructure.

There will be no environmental damage or degradation associated with the proposal and no significant impacts to access, outdoor areas, heritage or setting. There will be no significant visual intrusion that would disrupt the existing streetscape or surrounding industrial uses.

The property is not designated under the *Ontario Heritage Act*, nor is it abutting listed or designed heritage properties. Heritage Planning staff have advised that the proposed area of work for the site has been cleared from any archaeological concerns.

The subject property is located within the Urban Boundary. Adequate municipal water and sewage services are currently provided to the existing development, which will be unchanged as a result of the relocation and expansion of the existing driveway on the subject property.

The application and cumulative impact of the proposal does not warrant a zoning by-law amendment. The approval of the requested variance is considered minor and will not set a precedent for the immediate area.

Engineering Staff have advised that there is currently a 0.3 metre reserve across the Centennial Drive frontage of the property described as Blocks 6, 7, 8, 9 and 10 on Registered Plan 13M-74. Block 7 is located where the existing driveway is and has been dedicated as part of the public highway to allow for legal access to the property. The new driveway is located on Block 6 and the City is only willing to dedicate the portion of this block which will have the new driveway and part of the public highway. The applicant is required to provide a legal description for the portion to be dedicated on a reference plan showing the portion of the block to be dedicated. The reference plan is required to be prepared and deposited at the registry office, as a condition of minor variance approval.

Forestry staff has confirmed that the proposed relocation and expansion of the existing driveway will require the removal of a portion of the existing landscaping features to the front of the site. Any additional plantings that may be proposed by the Owner will be reviewed through the Site Plan Control review process.

The above noted technical comments have been included as recommended conditions as indicated in Exhibit A of this report.

The proposal meets the intent of the Official Plan, as the proposed increase in driveway width within the required front setback for the subject property will not result in any negative impacts to adjacent properties or to the neighbourhood.

Page 7 of 10

## 2) The general intent and purpose of the Zoning By-Law are maintained

The subject property is zoned Employment Service 'M4' zone in Kingston Zoning By-Law Number 2022-62 and is subject to Legacy Exemption 402 (Exhibit E – Zoning By-Law Map). A gasoline retail facility is a permitted use within this zone.

The proposal requires a variance to Section 7.4.10(2).

#### Variance Number 1:

By-Law Number 2022-62:Section 7.4.10 (2)		
Requirement:	The maximum width of a driveway within the required front setback or exterior setback is 9 metres.	
Proposed:	The maximum width of a driveway within the required front setback or exterior setback is 12.2 metres.	
Variance Requested:	3.2 metres	

The proposal is to seek relief from the maximum width of a driveway within the required front setback or exterior setback. Under Kingston Zoning By-Law Number 2022-62, a front setback means the setback between the front lot line and the nearest part of any building on the lot. In the case of a corner lot, the shorter lot line abutting a street is deemed the front lot line and the longer lot line abutting a street is deemed an exterior lot line. The shorter lot line of the subject property is along Centennial Drive and the longer lot line is along Gardiners Road. This proposal is to require relief from the maximum width of a driveway within the required front setback of the property, which is along Centennial Drive.

The proposed driveway width for the subject property along Centennial Drive will not have an adverse affect on the visual amenity of the streetscape of the surrounding industrial area. The proposed new driveway will not impact the landscaped open space that is required for the property under the M4 zone. The new driveway will be consistent with the location of existing driveways of employment uses to the east of the property. The proposal will not result in any significant impacts to surrounding industrial uses.

The requested variance maintains the general intent and purpose of the zoning by-law.

## 3) The variance is minor in nature

The variance is considered minor as no negative impacts are anticipated on the neighbouring properties. The expanded driveway will be sufficiently separated from adjacent employment uses along Centennial Drive. It is anticipated that the proposal will not create an adverse visual impact on the surrounding business park area.

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

The functional needs for users of the site will be met as clearly defined and safe access will be provided. It is anticipated that there will be no impacts on neighbouring properties. There will be

8

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December 11, 2023

Page 8 of 10

no visual intrusion that disrupts the streetscape. The required relocation and expansion of the driveway entrance is necessary for the safe operation of the Gardiners Road/Centennial Drive/Creekford Road intersection.

The variance is desirable and appropriate use of the land.

## **Technical Review: Circulated Departments and Agencies**

- ⊠ Building Services
- Engineering DepartmentUtilities Kingston

□ Parks Development

□ Municipal Drainage

□ KFL&A Health Unit

Enbridge Pipelines

Eastern Ontario Power

⊠ District Councillor

- ⊠ Unintes Kingstor
- □ Fire & Rescue⊠ Solid Waste
- ☑ Solid Was☑ Housing

⊠ Finance

- 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. 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**

The subject property was subject to Site Plan Application D11-140-2007 for construction of the existing gasoline retail facility.

## Conclusion

The requested variance maintains 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 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.

- ☑ 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 9 of 10

Approval of this application will increase the width of a new driveway to replace the existing driveway along Centennial Drive from 9 metres to 12.2 metres.

#### 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 14 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

#### **Financial Considerations:**

As the municipal road improvement works has impacted the driveway width and location of the existing driveway on the subject property, City of Kingston Active Transportation staff has submitted the application on behalf the owner. The cost of the materials and installation of the new driveway on the subject property will be covered by the municipality.

## Contacts:

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

## Page 10 of 10

Annemarie Eusebio, Intermediate Planner, 613-546-4291 extension 3183

## Other City of Kingston Staff Consulted:

None

## **Exhibits Attached:**

- Exhibit A Recommended Conditions
- Exhibit B Key Map
- Exhibit C Neighbourhood Context Map (2022)
- Exhibit D Official Plan Map
- Exhibit E Zoning By-Law Map
- Exhibit F Site Plan
- Exhibit G Site Photos
- Exhibit H Public Notification Map

#### **Recommended Conditions**

The approval of minor variance application, File Number D13-065-2023, to increase the driveway width on the property along Centennial Drive known as 1586 Centennial Drive, shall be subject to the following recommended conditions:

#### 1. Limitation

That the approved minor variance applies only to the proposed driveway 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.

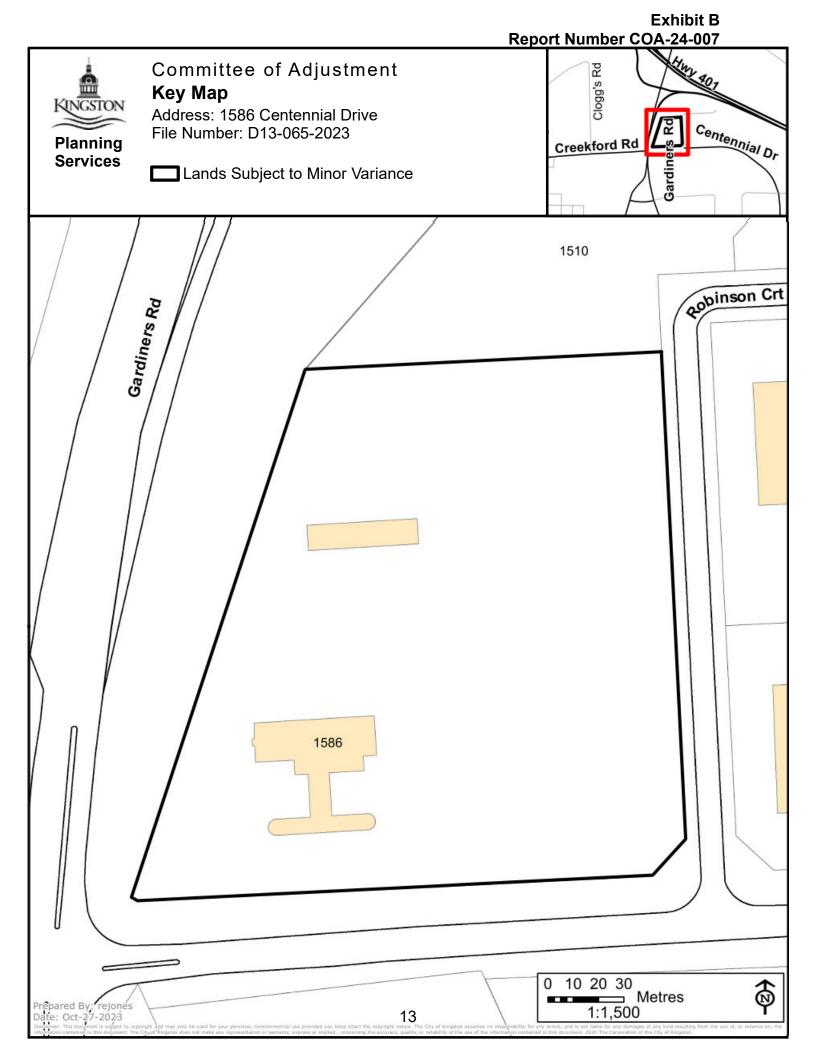
In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-991-9959), the Archaeology Program Unit of the Ministry of Citizenship and Multiculturalism (archaeology@ontario.ca), and City of Kingston's Planning Services (613-546-4291, extension 3180) must be immediately contacted.

#### 5. Engineering

There is a 0.3 metre reserve across the Centennial Drive frontage of the property described as Blocks 6, 7, 8, 9 and 10 on Registered Plan 13M-74. Block 7 is located where the existing driveway is and has been dedicated as part of the public highway to allow for legal access to the property. The new driveway is located on Block 6. The City will be dedicating the portion of this Block 6 which will have the new driveway and part of the public highway. The applicant is required to provide a legal description for the portion to be dedicated on a reference plan showing the portion of the block to be dedicated. The reference plan is required to be prepared and deposited at the Land Registry Office.

## 6. Public Works Forestry

Any new replacement plantings that may be proposed on the subject property will be subject to the review and approval of Forestry staff.



#### Exhibit C Report Number COA-24-007



## Committee of Adjustment Neighbourhood Context (2023) Address: 1586 Centennial Drive

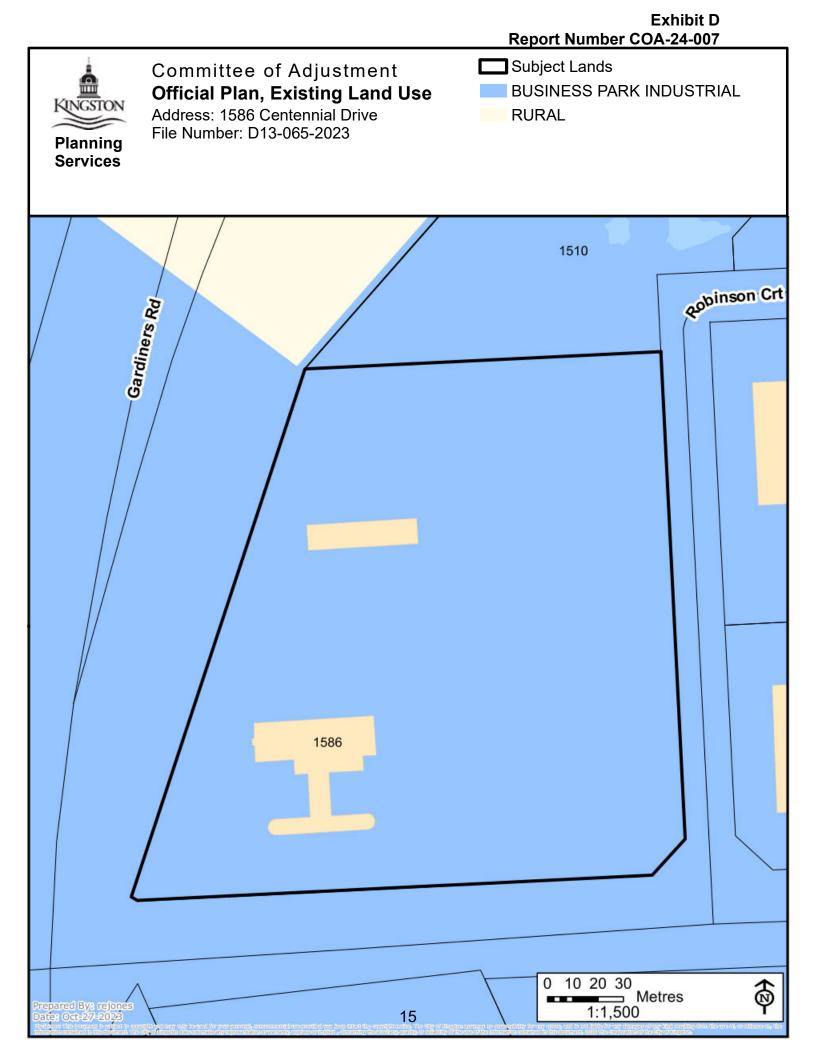
File Number: D13-065-2023 Planning Services

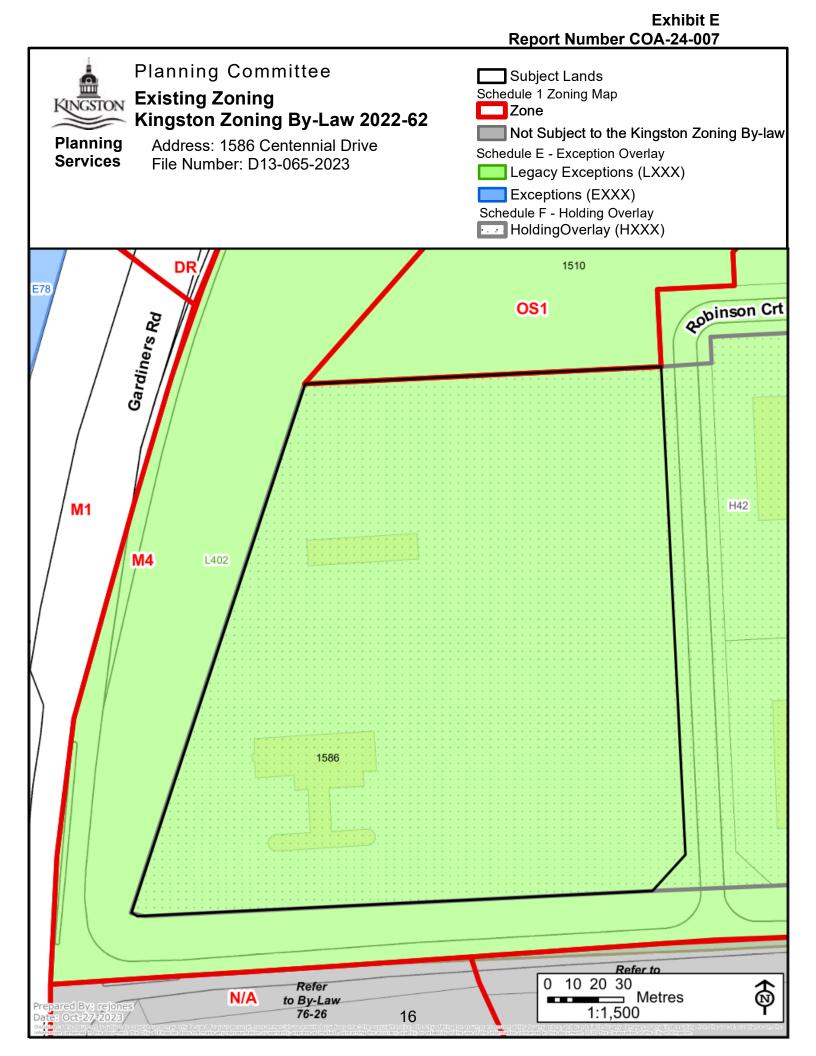


Property Boundaries

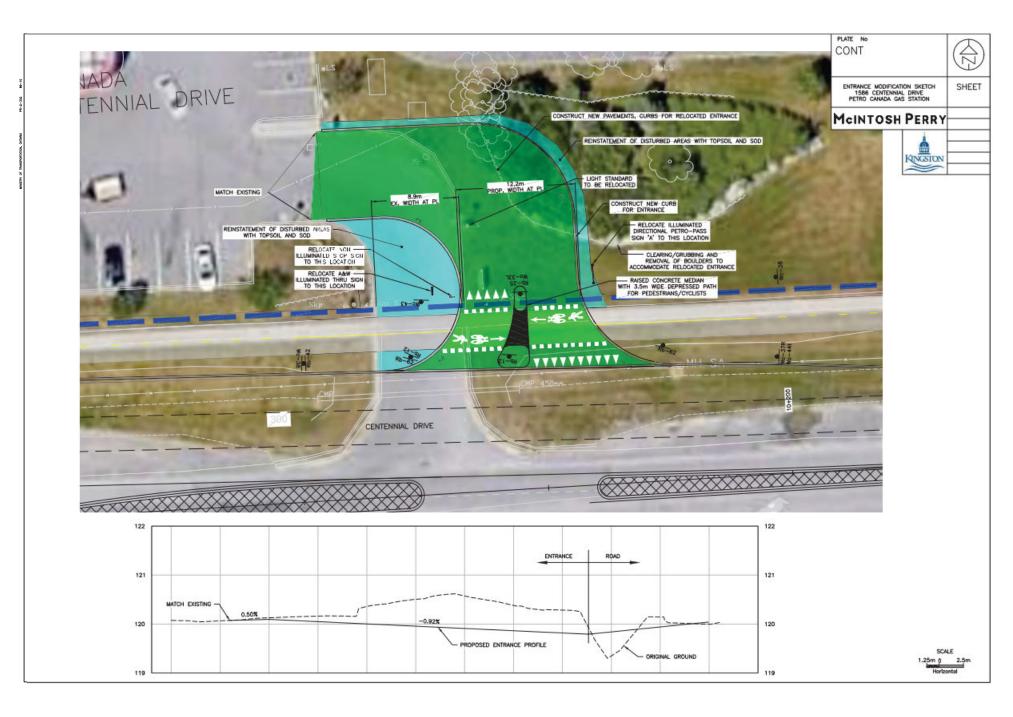
Proposed Parcels







#### Exhibit F Report Number COA-24-007



#### Exhibit G Report Number COA-24-007

## Site Photos



