



**City of Kingston
Report to Committee of Adjustment
Report Number COA-24-023**

To: Chair and Members of the Committee of Adjustment
From: Lindsay Sthamann, Intermediate Planner
Date of Meeting: March 18, 2024
Application for: Consent
File Number: D10-021-2023
Address: 1027 Coverdale Drive
District: District 4 - Lakeside
Owner: 1000028465 Ontario Ltd
Applicant: The Boulevard Group

Council Strategic Plan Alignment:

Theme: Regulatory & compliance

Goal: See above

Executive Summary:

This application for consent for severance and to establish easements has been submitted by The Boulevard Group on behalf of the owner, 1000028465 Ontario Ltd. The purpose of the application is to create two separately conveyable commercial parcels and to establish easements across the severed and retained for access and servicing. The proposed access easement will provide secondary vehicular access over severed and retained lots to 1009 Coverdale Drive as well as functioning as a fire route. The access easement will utilize the existing entrances on Coverdale Drive and Stoneridge Drive. The proposed servicing easement across the severed and retained lots will provide a location for existing servicing to 1009 Coverdale Drive and proposed servicing for the severed parcel.

The subject lands are currently vacant, and a concurrent Site Plan Control application has been applied for to develop the site with permitted commercial uses. The proposed consent complies

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with the City of Kingston Official Plan and the provisions of the C2-50 zone in Township of Kingston Zoning By-Law 76-26.

The consent application proceeded through the Delegated Authority process. The City received public comments during the public notification period therefore the file has been referred to the Committee of Adjustment for consideration. A new public notice was mailed to all property owners within a 60-metre radius of the property and new signage was posted on the site.

This report provides a recommendation to the Committee of Adjustment regarding the application for consent. The proposal has regard to the matters under subsection 51(24) of the *Planning Act*, is consistent with the Provincial Policy Statement, conforms with all applicable policies of the Official Plan, is in keeping with the general intent and purpose of the zoning by-law and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

Recommendation:

That consent application, File Number D10-021-2023, to sever an approximately 5463 square metre lot and establish easements for servicing and access across the severed and retained lot, be **provisionally approved** subject to the conditions included in Exhibit A (Recommended Conditions) to Report Number COA-24-023.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Lindsay Sthamann, Intermediate
Planner

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

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

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Options/Discussion:

On June 27, 2023, a consent application was submitted by The Boulevard Group, on behalf of the owner, 1000028465 Ontario Ltd, with respect to the property located at 1027 Coverdale Drive. The consent is requested to create two separately conveyable commercial parcels and to establish easements across the severed and retained for access and servicing.

The proposed retained parcel (Exhibit G – Concept Plan) is proposed to be developed with an automatic carwash in accordance with the as-of-right permitted uses within the ‘C2-50’ zone in Zoning By-law 76-26. The proposed severed parcel is not proposed to be developed at this time. Notwithstanding the timing of development, consideration has been given to the size and frontage of the proposed severed parcel to ensure that it can sufficiently accommodate future commercial development in accordance with the as-of-right permitted uses and applicable performance standards of the C2-50 zone.

In addition to the consent application to create the new lot, the applicant is also seeking to establish new easements for access and servicing as shown on the concept plan attached in Exhibit G. These easements are intended to replace existing access and servicing easements that will be partially discharged following approval of this application.

A Site Plan Modification application to facilitate the construction of the proposed automatic car wash on the retained parcel has also been submitted. The Site Plan Modification application is intended to modify previous Site Plan Control applications (D11-127-2007 & D11-211-2008), which facilitated the development located at 1009 Coverdale Drive. The site plan application is currently under technical review and requires approval of this consent in order to proceed.

The Director of Planning Services, through delegated authority, can process applications for consent that are technical in nature without holding a Public Meeting. All residents within a 60 metre radius of the property were notified through this process and letters of objection and concern were received by staff. As such, this consent application is being referred to the Committee of Adjustment for consideration. Revised signage has been posted on the site and public notification of the Public Meeting has been sent to all property owners within a 60 metre radius. A courtesy advertisement has been published in the local newspaper.

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

- Concept Plan (Exhibit G)
- Easement Chart (Exhibit H)
- Planning Overview Letter
- Owner’s Authorization
- Legal Agreement with owner of 1009 Coverdale

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All submission materials are available online through the Development and Services Hub (DASH) at the following link, [DASH](#), using “Look-up a Specific Address”. If there are multiple addresses, search one address at a time, or submission materials may also be found by searching the file number.

Site Characteristics

The subject property is located at 1027 Coverdale Drive (Exhibit B – Key Map). The property abuts other commercial uses to the north and east, low density residential uses to the south, and a retirement residence to the west (Exhibit C – Neighbourhood Context Map). The subject property is currently vacant, with some existing paved areas and landscaping.

The subject property is designated District Commercial in the Official Plan (Exhibit D – Official Plan Map) and zoned C2-50 in Kingston Zoning By-Law Number 76-26 (Exhibit E – Zoning By-Law Map)

Planning Act

The review of an application for a consent is subject to Section 53 of the *Planning Act* which requires the approval authority be satisfied that a plan of subdivision is not necessary for the proper and orderly development of the municipality having regard to the matters addressed in subsection 51(24).

The proposal will result in the creation of one new lot and the establishment of easements for access and servicing. The proposed consent meets the tests set out in the *Planning Act* and plan of subdivision is not required for the proper and orderly development of the property.

Provincial Policy Statement

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

Official Plan

The subject property is designated District Commercial in the City of Kingston Official Plan (Exhibit D – Official Plan Map). The goal of the District Commercial designation is to provide for a convenient commercial focus for surrounding neighbourhoods for a range of frequently used goods and services. The uses permitted in the District Commercial designation include a range of frequently used services and products, including food, at a scale that is suitable to serve the surrounding neighbourhoods within the City.

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The creation of individual parcels of land by way of consent is subject to the consent policies of the Official Plan. In considering whether the proposal is appropriate, the Committee of Adjustment will have regard for the requirements included within the Official Plan, specifically section 9.6.13 titled: “Criteria for Consent Approval”.

The proposed lot size and configuration is appropriate for the commercial development of the site and complies with the zoning requirements. No new road access is proposed though this application, the existing entrances can serve both the severed and retained lot. No impact to the heritage system, natural heritage features, natural hazards, cultural heritage resources, or areas with archaeological potential are anticipated. Archaeological clearance of the site has been received from the Ministry of Citizenship and Multiculturalism.

Technical details relating to the development of the proposed retained lot such as servicing, traffic impacts, stormwater management, and noise will continue to be reviewed through concurrent Site Plan Control Application.

The proposal meets the intent of the Official Plan, as the proposed new lot is appropriately sized and configured to contain a commercial use and is not anticipated to result in any negative impacts to adjacent properties or to the neighbourhood.

Zoning By-Law

The subject property is zoned C2-50 a site-specific General Commercial Zone in Kingston Zoning By-Law Number 76-26. The site is not currently subject to the Kingston Zoning By-law Number 2022-62.

The C2-50 zone permits a wide variety of commercial uses including an automatic car wash. The minimum lot area and minimum lot frontage are well exceeded for both the severed and retained lot. The proposed severed and retained lot are zone compliant, as demonstrated in the table below.

	Lot Area	Lot Frontage
C2-50 Minimum Requirement	5,000 square feet (465 metres square)	20 feet (6.1 metres)
Proposed Severed Lot	58,803 square feet (5,463 metres square)	151 feet (46 metres)
Proposed Retained Lot	56,780 square feet (5,275 metres square)	177 feet (54 metres)

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Technical Review: Circulated Departments and Agencies

- Building Division
- Finance
- Fire & Rescue
- Solid Waste
- Housing
- KEDCO
- CRCA
- Parks Canada
- Hydro One
- Kingston Airport
- Engineering
- Utilities Kingston
- Kingston Hydro
- Parks Development
- District Councillor
- Municipal Drainage
- KFL&A Health Unit
- Eastern Ontario Power
- Enbridge Pipelines
- Heritage Services
- Real Estate
- Environment Division
- Canadian National Railways
- Ministry of Transportation
- Parks of the St. Lawrence
- Trans Northern Pipelines
- CFB Kingston
- TransCanada Pipelines

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, one piece of public correspondence was received in opposition to the consent application and a second piece of correspondence was received in opposition to the Site Plan Control application (Exhibit J – Public Correspondence). Any public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Public comments focused on issues related to the carwash use, such as noise, traffic, and water pressure, rather than concerns directly related to the creation of a severed and retained lot and the establishment of easements. Concerns related to the use of the land will be addressed at time of Site Plan Control through requirements for a noise study, servicing plan, and review by our transportation department.

While no public correspondence related directly to the consent for lot creation, the file was still ‘bumped up’ to Committee of Adjustment to ensure full public participation is possible.

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Previous or Concurrent Applications

A site plan modification application (D11-012-2023) has been applied for to permit the construction of an automatic car wash on the severed parcel. The car wash is a permitted use and no zone relief through a zoning amendment or minor variance application is required.

Conclusion

The proposal has regard to the matters under subsection 51(24) of the *Planning Act*, is consistent with the Provincial Policy Statement, conforms with all applicable policies of the Official Plan, is in keeping with the general intent and purpose of the zoning by-law and a plan of subdivision is not necessary for the proper and orderly development of the property, as such, is recommended for provisional approval.

Provisional approval of this application will enable the creation of one new commercial lot, along with easements for servicing and access.

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 76-26

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on March 18, 2024. 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 14 days in advance of the meeting. In addition, notices were sent by mail to a total number of 97 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).

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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:

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

Lindsay Sthamann, Intermediate Planner, 613-546-4291 extension 3287

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 Public Notification Map
- Exhibit G Concept Plan
- Exhibit H Easement Chart
- Exhibit I Site Visit Photos
- Exhibit J Public Correspondence

Recommended Conditions

The provisional approval of consent application, File Number D10-021-2023, to sever an approximately 5463 square metre lot with approximately 151 metres of frontage on Coverdale Drive and to establish easements across the severed and retained lots for servicing and access, shall be subject to the following recommended conditions:

1. Certificate of Official and Deadline

That all conditions are satisfied and the Certificate of Official be presented to the Secretary-Treasurer, Committee of Adjustment for certification under Section 53(42) of the Planning Act, R.S.O. 1990 as amended, within two years of mailing of this notice. We suggest that the Land Registry Office be consulted for preapproval of the Certificate of Official to avoid delays.

The Certificate must be registered within two years from the issuance of the certificate as required under Section 53(43) of the Planning Act, R.S.O. 1990, as amended. A copy of the registered transfer certificate shall be provided to the Secretary-Treasurer, Committee of Adjustment to complete the file.

2. Reference Plan

That a digital version of a Reference Plan be provided in a PDF format by email, illustrating the severed and retained parcels be prepared and presented to the Secretary-Treasurer, Committee of Adjustment prior to the issuance of the Certificate of Official. The reference plan must, in the opinion of the City, conform to the general intent and description of the approved drawings attached to the notice of Decision, including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision.

3. Payment of Taxes

The owner/applicant shall contact the Tax Department at tax@cityofkingston.ca and secure in writing from the Treasurer or the Manager of Taxation and Revenue, proof of payment of current taxes and any special charges (not simply a copy of the tax bill) required to be paid out and a statement of proof that is received and shall be provided to the Secretary-Treasurer Committee of Adjustment, prior to the issuance of the consent certificate. The owner/applicant must pay any outstanding realty taxes and all local improvement charges levied against the property.

4. Standard Archaeological Notice

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. Utilities Kingston

Prior to the issuance of the Certificate of Official it shall be necessary for the applicant to provide, and for Utilities Kingston to approve, a servicing drawing showing all existing services and the mains they connect too, and the existing buildings and all proposed and existing property lines.

6. Civic Address

The owner/applicant shall contact the Planning Division once the Reference Plan has been deposited and provided to the City, and obtain a draft civic address for each new lot created and all appropriate fees shall be paid. The owner/applicant shall provide to the Secretary-Treasurer, Committee of Adjustment, written confirmation from the City that the civic address has been obtained prior to the issuance of the consent certificate.

7. Easements

That the Certificate of Official shall include:

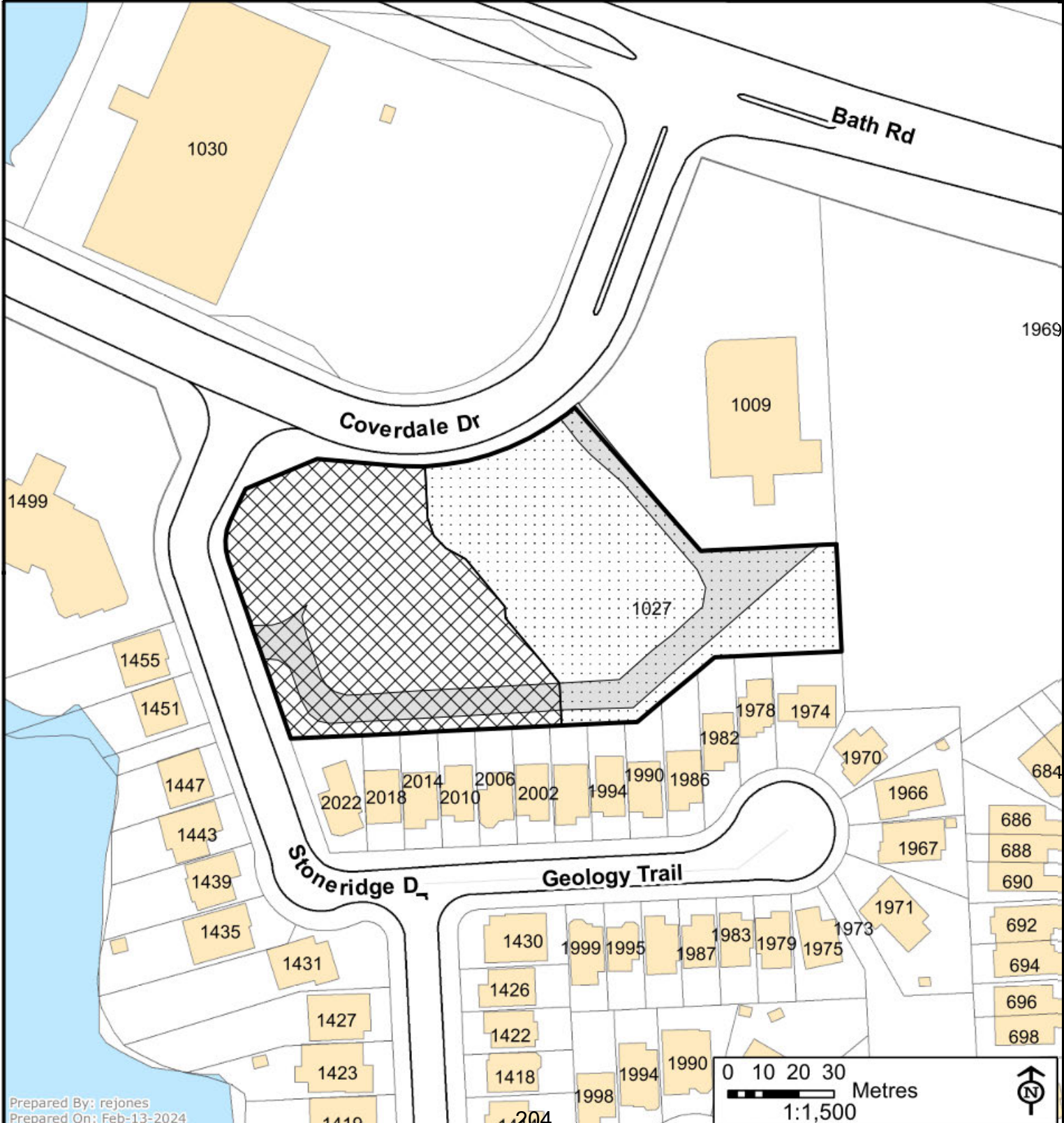
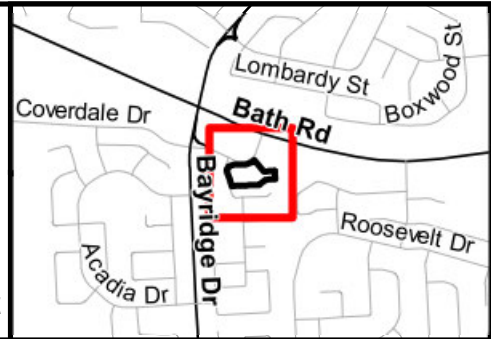
Easements for servicing and access as shown on the attached concept plan and easement summary.



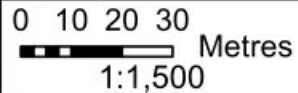
Delegated Authority Key Map

Address: 1027 Coverdale Drive
File Number: D10-021-2023
Prepared On: Feb-13-2024

- Subject Lands
- Retained Lands
- Severed Lands
- Easement



Prepared By: rejones
Prepared On: Feb-13-2024



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Committee of Adjustment Neighbourhood Context (2023)

Address: 1027 Coverdale Drive
File Number: D10-021-2023

- Subject Lands
- Property Boundaries
- Proposed Parcels









Planning Services

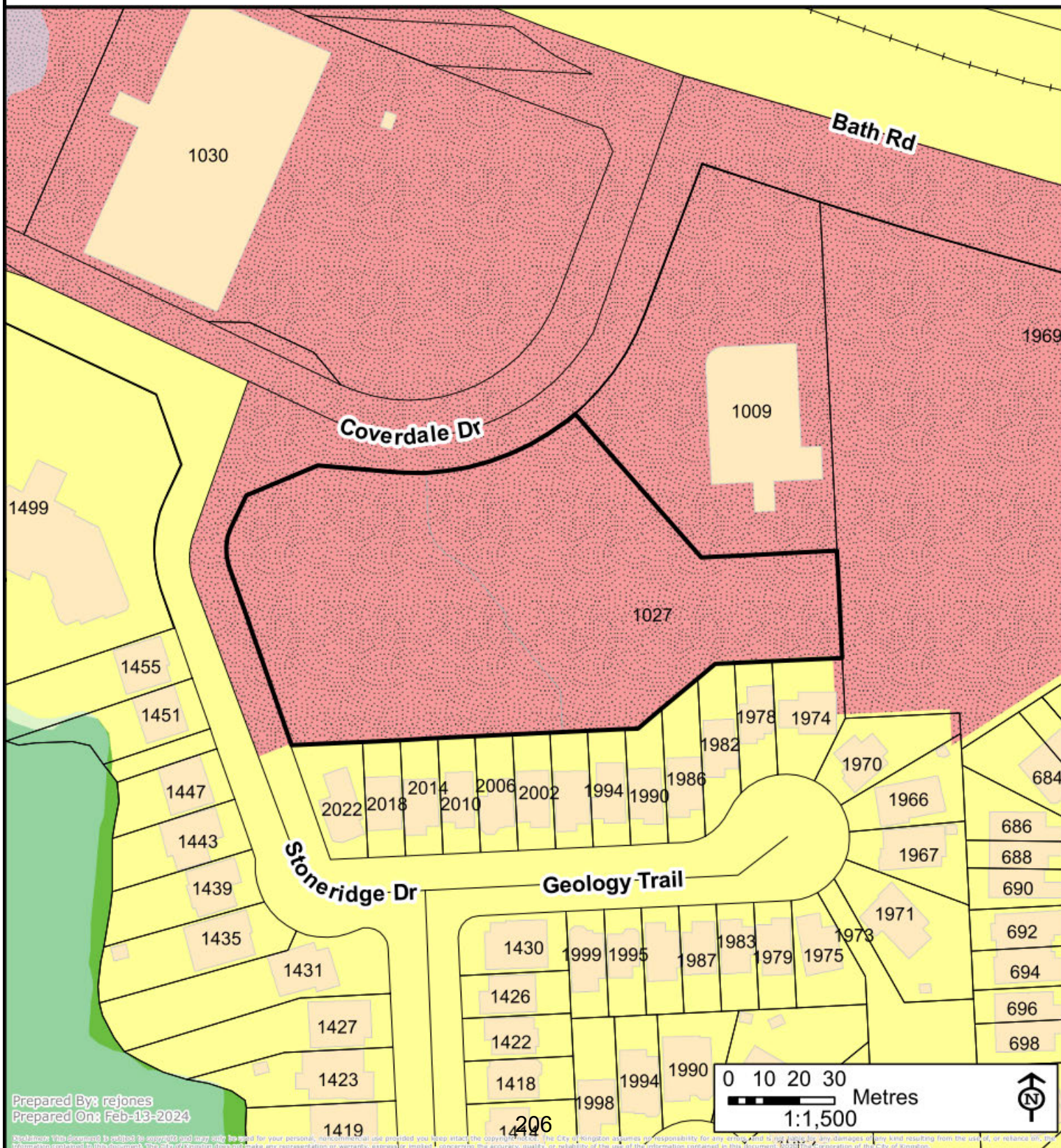
Delegated Authority Official Plan, Existing Land Use

Address: 1027 Coverdale Drive

File Number: D10-021-2023

Prepared On: Feb-13-2024

-  Subject Lands
-  DISTRICT COMMERCIAL
-  ENVIRONMENTAL PROTECTION AREA
-  RESIDENTIAL



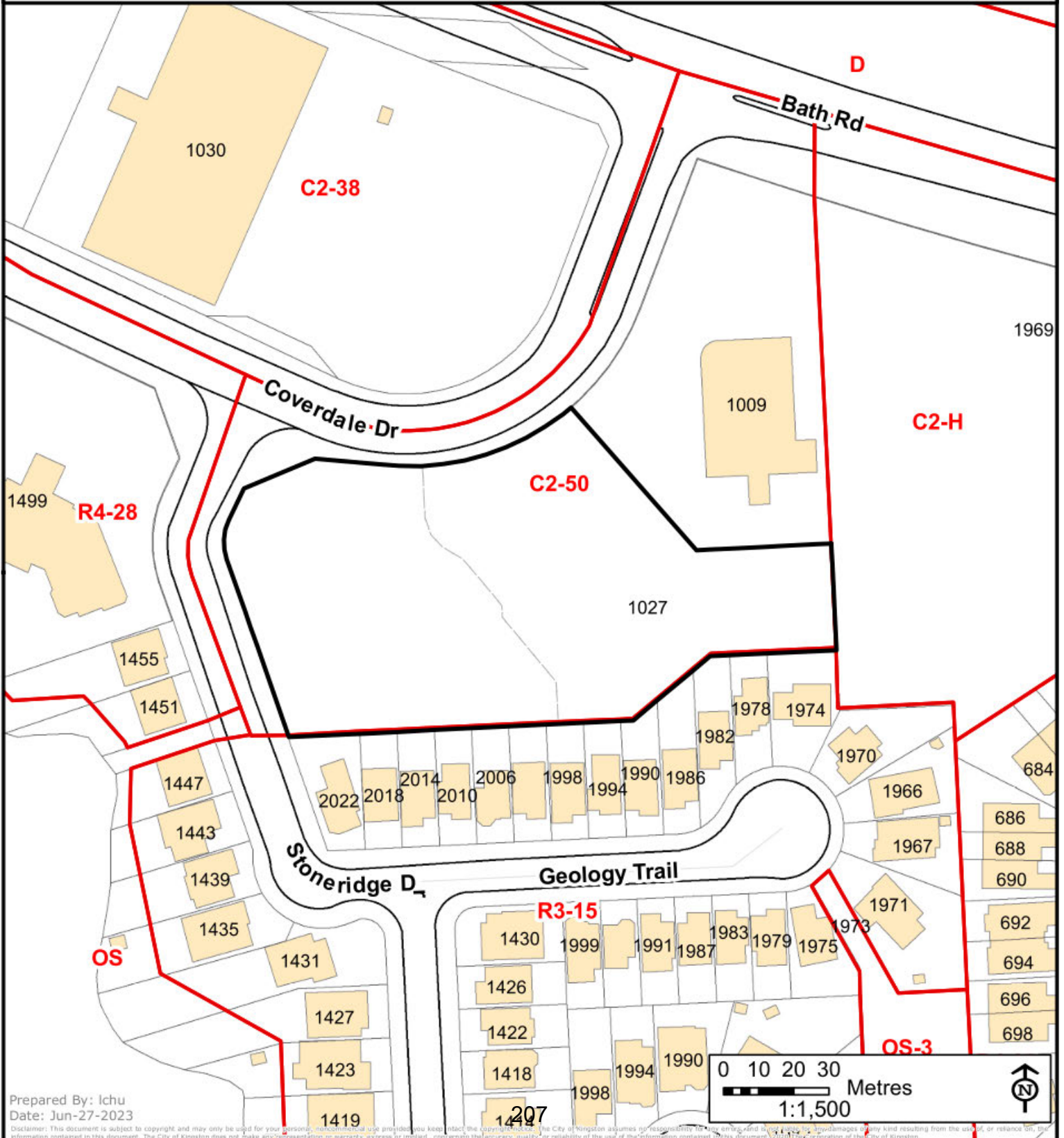
Prepared By: rejonas
Prepared On: Feb-13-2024

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Committee of Adjustment
Existing Zoning - By-law 76-26, Map 5
Address: 1027 Coverdale Drive
File Number: D10-021-2023






Subject Lands
 Consolidated Zoning

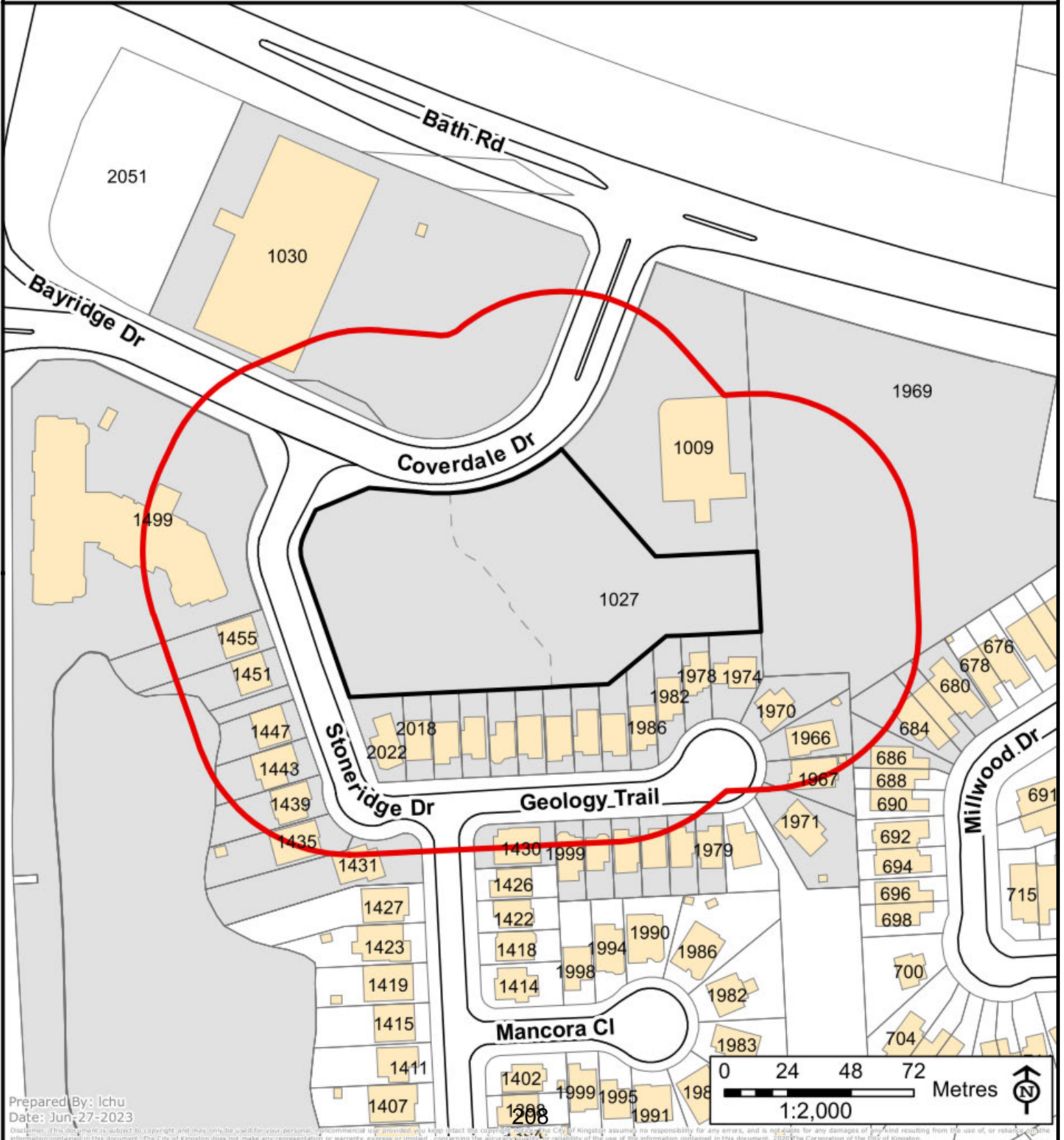




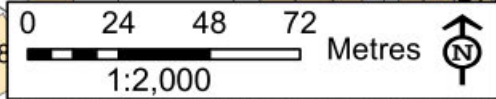
Committee of Adjustment Public Notice Notification Map

Address: 1027 Coverdale Drive
File Number: D10-021-2023

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



Prepared By: Ichu
Date: Jun-27-2023



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EASEMENT SUMMARY

1027 Coverdale Drive
D10-021-2023

22 January 2024

Servient Land (colour coded)	Benefitting Land Retained Parcel (Westernmost)	Benefitting Land Severed Parcel (Centre)	Benefitting Land Adjacent Parcel (1009 Coverdale - Dollarama)
Yellow	N/A	Easement for Servicing & Access	Easement for Servicing & Access
Green	Easement for Access	N/A	Easement for Servicing & Access

Site Visit Photos – 1027 Coverdale Drive – May 2023





Sthamann,Lindsay

From: eshrat gharaee [REDACTED]
Sent: July 31, 2023 1:39 PM
To: Sthamann,Lindsay
Subject: 1027 Coverdale Drive - Notice of Technical Consent OBJECTION

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

I am contacting you with regards to the mail I have received "Notice of Technical Consent" for 1027 Coverdale Drive, file Number D10-021-2023. As a resident of 1982 Geology Trail. I am completely against the proposed plan for automatic car wash in the area. I have also had meetings with many of my neighbours who are also against this plan. First, this is a residential area. We have children playing outside as well as many senior members including the Chartwell conservatory pond retirement resident. Opening a car wash would direct traffic and cars into our neighbourhood, causing not only air and noise pollution, especially at night time disturbing the neighbourhood that needs peace and quiet, but most importantly posing danger to the neighbourhood children due to increased car movement which would inevitably increase the incidence of reckless driving and accidents within our community. We are extremely concerned about the safety of the children and seniors in our neighbourhood and believe this will pose an undeniable risk to our community. Furthermore, to reiterate, a car wash would inevitably increase the number of car passage in our residential area, posing health risk from their pollution both from littering by drivers but also oil drips from engines and smoke from the cars. Also, the noise pollution from car engines, honking etc. would disturb everyone in the community but it is especially a concern for us who have elderly living with us and must have uninterrupted rest for their health. Car washes are meant to be built outside of residential areas so they do not possess such incredible health risk to seniors and members of the community and the current plan is doing the complete opposite, undermining the needs of our neighbourhood. We and our neighbours are also concerned about the impact it would have on our water pressure. We are absolutely against this plan, so please consider this letter a formal objection against the plan for an automatic car wash in the area.

Please notify me [REDACTED], 1982 Geology Trail K7M9H5) with the decision in respect of the proposed application, so I can plan for future actions.

Sincerely,
Eshrat Gharaei

Sthamann,Lindsay

From: Myers,Cheryl
Sent: August 4, 2023 9:57 AM
To: Sthamann,Lindsay
Cc: Planning Outside Email
Subject: FW: Car wash (D11-012-2023)

-----Original Message-----

From: Sherrie Jackson [REDACTED]
Sent: Friday, August 4, 2023 9:47 AM
To: Planning Outside Email <Planning@cityofkingston.ca>
Subject: Car wash (D11-012-2023)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Proposed car wash on 1027 Coverdale Drive;

We are not in favour of the proposed car wash on Coverdale Drive as it will create issues with noise (with way more traffic as well as the noise from the car wash itself) and traffic congestion at all hours of the day and night. It will also affect our water pressure. We do not want a car wash behind our house, we back onto Coverdale Drive and will be affected directly.

Thanks
Sherrie & Scott Jackson

Sent from my iPhone