



**City of Kingston
Report to Planning Committee
Report Number PC-24-021**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: March 21, 2024
Subject: Recommendation Report
File Number: D14-001-2024
Address: 780 Gardiners Road
District: 6 - Trillium
Application Type: Zoning By-Law Amendment
Owner: 2832719 Ontario Inc.
Applicant: The Boulevard Group

Council Strategic Plan Alignment:

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.3 Diversify Kingston's economic base.

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by The Boulevard Group, on behalf of 2832719 Ontario Inc., with respect to the subject site located at 780 Gardiners Road.

The subject property is designated as Arterial Commercial in the Official Plan and is zoned C2-25 under the former Kingston Township Zoning By-Law Number 76-26. The site is developed with a single storey commercial building that has historically been used as an automotive dealership and automotive centre. The existing building is currently unoccupied. The effect of the proposed Zoning By-Law amendment is to replace the existing C2-25 Zone under former Zoning By-Law Number

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76-26 with a 'General Commercial' (CG) Zone under the current Kingston Zoning By-Law. The purpose of this application is to broaden the number of permitted commercial uses for the subject property and allow the site to be reviewed according to the performance standards of the more modern Kingston Zoning By-Law, which will encourage opportunities for re-investment in this under-utilized commercial property while maintaining the intent of the Arterial Commercial designation for this site established by the Official Plan.

The existing C2-25 Zone does not permit any noise sensitive uses and was not subject to a Holding Overlay. A Holding Overlay will be applied to the CG Zone as the new zone does permit noise sensitive uses such as a dwelling unit in a mixed-use building, day care centre, and a library. Prior to the permitting the establishment of any permitted noise sensitive uses on the site, the City shall require a noise study to be submitted demonstrating that these uses can be accommodated without adverse impacts due to noise.

No physical development for 780 Gardiners Road is proposed at this time. The Zoning By-Law amendment is proposed to allow for a wider range of permitted commercial uses and to ensure that the property is subject to the modern performance standards established in the Kingston Zoning By-Law.

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-001-2024) submitted by The Boulevard Group, on behalf of 2832719 Ontario Inc, for the property municipally known as 780 Gardiners Road, be approved; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-021; and

That Council determines that in accordance with Section 34(17) of the *Planning Act*, no further notice is required prior to the passage of the by-law; and

That the amending by-law be presented to Council for all three readings.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Initiatives	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:

Public Meeting and Comprehensive Report

Planning Services is recommending the Public Meeting and comprehensive report are heard concurrently at the March 21, 2024, Planning Committee meeting based on the following:

- The proposal is compatible with the Provincial Policy Statement (2020) and the Kingston Official Plan;
- The proposal is considered minor in nature;
- The proposal involves a change in non-residential use and does not contemplate development at this time; and
- Combining the Public Meeting and the comprehensive report facilitates the streamlining of the development approval process, thereby decreasing application processing time.

This recommendation report forms the basis of a statutory public meeting at Planning Committee. Anyone who attends the statutory public meeting may present an oral submission, and/or provide a written submission on the proposed application. Also, any person may make written submissions at any time before City Council makes a decision on the application.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kingston before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Planning Committee will consider the recommendations in this report and make its recommendation to City Council at this meeting.

Anyone wishing to be notified of Council's decision on the subject application must submit a written request to:

Jacob Slevin, Planner
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 2176
jslevin@cityofkingston.ca

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Background and Decision Date

In accordance with By-Law Number 2007-43, this application was subject to a pre-application. A pre-application meeting was held on October 10, 2023.

Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of January 16, 2024.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before April 15, 2024, which is 90 days after a complete application was received. In the absence of a decision by Council in this timeframe, the City will be required to refund the fees that were paid by the applicant on the subject application and the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT).

Site Characteristics

The subject property, known municipally as 780 Gardiners Road, is located at the northeast corner of the intersection of Gardiners Road and Taylor-Kidd Boulevard. Both Gardiners Road and Taylor-Kidd Boulevard are designated as Arterial Roads. The property has an approximate area of 3983 square metres, with roughly 177 metres of frontage onto Taylor-Kidd Boulevard and 51 metres of frontage onto Gardiners Road. Vehicular access to the property is provided from the Gardiners Road frontage.

The subject site is irregularly shaped due to the presence of a thin, triangularly shaped portion of land which extends along Taylor-Kidd Boulevard towards the eastern end of the property (Exhibit B – Key Map). Due to its irregular shape and size, this triangular portion of the subject lands are highly constrained and as such this portion of the property is currently vacant and unused. To regularize this unusual parcel fabric, the applicant has proposed to sever the triangular portion of the subject lands and to add this portion to the abutting property at 790 Gardiners Road. The applicant has submitted a separate Consent application in support of this proposal (File Number D10-003-2024).

The property is surrounded by commercial land uses to the north, south, east and west. The built form of these uses primarily consists of individual one-storey commercial buildings and commercial plazas. The RioCan Centre, a major shopping centre containing numerous commercial uses and ample vehicle parking spaces, is located to the south.

The nearest residential uses are located on Whistler Terrace, consisting of one and two storey single-detached and semi-detached homes. These residential properties are located approximately 105 metres east of the subject property, excluding the undeveloped triangular strip which is proposed to be severed as part of the Consent application mentioned above.

The subject lands are serviced using municipal water and wastewater infrastructure. The property is within walking distance of multiple bus stops, which provides access to Kingston Transit Routes 11 and 14, as well as Express Route 701.

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Proposed Application and Submission

The applicant is proposing a Zoning By-Law amendment for the subject property. This application would remove the existing C2-25 zoning designation from the former Kingston Township Zoning By-Law and add a rezone the lands to General Commercial (CG) in the current Kingston Zoning By-Law. Additionally, a Holding Overlay would be added for this property to prevent the development of noise sensitive uses until a satisfactory noise impact study is submitted.

No physical development for the subject property will be facilitated through this Zoning By-Law amendment application. No addition to the existing building or redevelopment of the subject property is proposed at this time. Rather, the intent of this proposal is to facilitate future investment in this under-utilized commercial property by permitting a wider range of commercial uses and allowing the property to be subject to the modern performance standards established by the current city-wide Kingston Zoning By-Law.

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

- Concept Plan
- Planning Justification Report and Draft By-Law
- Owner’s Authorization

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.

Provincial Policy Statement

The Provincial Policy Statement (2020) provides policy direction on matters of provincial interest related to land use planning and development, which are intended to be complemented by local policies addressing local interests.

The subject lands are located within a Settlement Area as defined by the Provincial Policy Statement (2020) and is developed with a single storey commercial building formerly used as an automotive centre and dealership but is currently unoccupied. The proposed Zoning By-Law Amendment to rezone the subject property as Commercial General to facilitate future investment and re-development of this under-utilized commercial property. As such, the proposal supports the diversification of the City of Kingston’s economic base on lands which are serviced by municipal water and wastewater infrastructure as well as several bus transit routes.

This application for a zoning by-law amendment is consistent with the Provincial Policy Statement (2020). A detailed review of how this proposal complies with the applicable policies is attached in Exhibit D.

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Official Plan Considerations

The property at 780 Gardiners Road is inside the City's Urban Boundary and is located within a Business District as shown on Schedule 2 – City Structure of the Official Plan. Business Districts are primarily intended to accommodate employment opportunities. The subject property is designated as Arterial Commercial by the Official Plan (Exhibit E – Official Plan, Land Use Map). The intention of Arterial Commercial lands is to provide suitable locations for commercial uses that require visibility and easy access from the traveling public, as well as uses which require large sites that can accommodate outdoor display areas. It is the intent of the Official Plan that Arterial Commercial uses require a location along a major road.

The applicant has proposed a Zoning By-Law amendment to delete the current C2-25 Zone and implement a CG (General Commercial) Zone on the subject property. No development is proposed with this application, it is the intent of the applicant to rezone the property to CG in order to permit a wider range of commercial uses and allow the property to be subject to the modern performance standards established in the Kingston Zoning By-Law, with the goal of encouraging future redevelopment of the under-utilized commercial property. Permitted uses within the CG Zone are aligned with the intention of the Arterial Commercial designation. Several other properties in the surrounding area are zoned as CG with an Official Plan designation of Arterial Commercial, including 755-759 Gardiners Road and 834-854 Gardiners Road.

By encouraging the redevelopment of a currently under-utilized commercial property, this proposal aligns with the Official Plan's goals of promoting and protecting existing employment areas in order to maintain a diverse economic base for the City of Kingston. Additionally, as the subject property is an existing landholding serviced by municipal water and wastewater infrastructure and is in close proximity to multiple bus transit routes, this proposal also supports the City's goals of encouraging new non-residential development through intensification and re-use of under-utilized lands.

The applicant's proposal is considered by Planning staff to be in conformity with the policies of the Official Plan. A detailed review of the applicable policies is attached in Exhibit F.

Zoning By-Law Discussion

The property is currently subject to the C2-25 Zone of former Kingston Township Zoning By-Law and is currently not subject to the provisions of the city-wide Kingston Zoning By-Law (Exhibit G – Zoning Map). The existing zoning permits a number of commercial uses, as shown below in Table 1.

The purpose and effect of the proposed Zoning By-Law amendment is to apply the CG Zone to the subject lands to permit a wider range of commercial uses and allow the property to be subject to the modern performance standards. No specific development is proposed for the property at this time, and as such, no specific zoning relief or any site-specific exemptions are being requested by the applicant at this time.

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As shown in Table 1 below, despite the differing terminology in some cases, the permitted uses in the proposed CG Zone have significant overlap with the permitted uses in the existing C2-25 Zone. However, the proposed CG Zone allows for additional permitted uses and as such, the proposed CG Zone is considered to be a more permissive zoning designation while still restricting permitted uses to commercial uses which fulfill the intent of the Official Plan’s designation of the lands as Arterial Commercial. This more permissive zoning designation is anticipated to encourage the future redevelopment of the subject lands, which are currently unused. Additionally, bringing the property into the Kingston Zoning By-Law will allow the property to be subject to performance standards that are aligned with the City’s current policy goals. Such performance standards which would potentially relevant to the subject property include updated vehicle and bicycle parking standards as well as permissions for mixed-use development.

The proposed CG Zoning will allow for certain noise sensitive uses which were not permitted under the existing Zoning. To ensure that this application does not permit future development of uses which will be adversely affected by noise and vibration impacts from existing surrounding land uses, a Holding Overlay is being established as part of this application. The Overlay may be removed at such time as the City is presented with a noise and vibration study which demonstrates that noise concerns will not adversely impact the proposed sensitive land use. Uses that will be subject to this Overlay are shown in Table 1 below.

Table 1 – Zoning Comparison Table

Zone Provision	Existing Zone – C2-25 (Kingston Township Zoning By-Law 76-26)	Proposed Zone – CG (Kingston Zoning By-Law 2022-62)
Permitted Uses	<ul style="list-style-type: none"> • Auditorium • Bank • Beverage Room • Business of Professional Office • Clinic • Commercial Club • Dry Cleaning or Laundry Outlet • Personal Service Shop • Private Club 	<ul style="list-style-type: none"> • Dwelling Unit in a Mixed Use Building* • Animal Care • Automobile Sales Establishment • Banquet Hall • Carwash • Commercial Parking Lot • Community Centre • Club • Creativity Centre

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	<ul style="list-style-type: none"> • Public Use • Recreational Establishment • Restaurant • Retail Store • Shopping Centre consisting of any permitted uses listed above • Automobile Dealership • Automotive Centre 	<ul style="list-style-type: none"> • Day Care Centre¹ * • Financial Institution • Fitness Centre • Gas Station • Grocery Store • Funeral Establishment • Institutional Use* • Laundry Store • Library* • Museum • Office • Personal Service Shop • Place of Worship • Recreation Facility • Recreational Vehicle Sales Establishment • Repair Shop • Restaurant • Retail Store • Special Needs Facility* • Training Facility • Wellness Clinic <p>¹. Is permitted only as an accessory use to a principal use on the lot.</p>
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		* Holding Overlay will apply to this use. Noise study will be required prior to removal of Overlay.
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Other Applications

The site is also subject to a Consent Application (File Number D10-003-2024) for the irregularly shaped triangular portion towards the east of 780 Gardiners Road and fronting onto Taylor-Kidd Boulevard. This triangular portion, with an area of 457.4 square metres and 105.3 metres of frontage on Taylor-Kidd Boulevard, is proposed to be added to the abutting lands at 790 Gardiners Road. Due to its irregular shape and size, this portion of the subject lands is highly constrained and as such this portion of the property is currently vacant and unused. This proposed lot addition would regularize the unusual lot fabric of 780 and 790 Gardiners Road and increase the usable land for 790 Gardiners Road.

The subject property is not subject to any other Planning Applications at this time. However, it is noted that, as per the City’s Site Plan Control By-Law (By-Law Number 2010-217), new non-residential development, redevelopment, or additions located along an Arterial Road shall be require an application for Site Plan Control. As the subject property is located at the corner of two Arterial Roads, future non-residential development or redevelopment on this site shall require a Site Plan Control application.

Technical Analysis

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with this application remain at this time.

Public Comments

A Public Meeting is being held on March 21, 2024, with respect to this application. This Public Meeting will be held concurrently with the submission of this Comprehensive Report. There have been no written public concerns or comments received at time of preparing this report. Any correspondence received before the Public Meeting will be provided to the Committee and the applicant prior to the Public Meeting on March 21, 2024.

Effect of Public Input on Draft By-Law

No public comments were received at the time this report was prepared.

Conclusion

The proposed Zoning By-Law amendment to rezone the subject property at 780 Gardiners Road from the C2-25 Zone under Kingston Township Zoning By-Law to the CG Zone under Kingston Zoning By-Law is recommended for approval for the reasons outlined throughout this report. The

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proposal is anticipated to encourage the future redevelopment of an unused commercial property at a prime location at the intersection of two arterial roads by enabling a more permissive zoning which remains consistent with the intent of the Arterial Commercial designation applicable to the property. While no specific development is proposed at this time, future development proposals would be required to meet the performance standards of the Kingston Zoning By-Law, and non-residential development proposals will be required to submit a Site Plan Control application. At this stage, staff can assess the technical details of the proposal to ensure that any development will be functional and compatible with the surrounding area.

This application is consistent with the PPS, conforms to the intent of the Official Plan, and represents good land use planning, and as such the application is recommended for approval.

Existing Policy/By-Law:

The proposed amendment 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

Planning Act

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

Notice Provisions:

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to 34 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. In addition, a courtesy notice placed in The Kingston Whig-Standard on March 18, 2024.

If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

At the time of writing of this report, no pieces of written public correspondence have been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

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Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Jacob Slevin, Planner, 613-546-4291 extension 2176

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- Exhibit A Draft Zoning By-Law and Schedules
- Exhibit B Key Map
- Exhibit C Neighbourhood Context
- Exhibit D Consistency with the Provincial Policy Statement
- Exhibit E Official Plan, Land Use Map
- Exhibit F Conformity with the Official Plan
- Exhibit G Zoning By-Law Number 2022-62 Map
- Exhibit H Proposed Site Plan – Existing Conditions
- Exhibit I Site Photographs
- Exhibit J Public Notification Map

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Transfer of Lands into Kingston Zoning By-law and Introduction of Holding Overlay Number H235, (780 Gardiners Road))

Passed: [Meeting Date]

Whereas the Council of The Corporation of the City of Kingston enacted By-Law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (the “Kingston Zoning By-law”);

Whereas the subject lands are identified as “Not Subject to this By-Law” on Schedule 1 of the Kingston Zoning By-law; and

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-law to incorporate the subject lands into the Kingston Zoning By-law and to introduce a new holding overlay;

Therefore be it resolved that the Council of The Corporation of the City of Kingston hereby enacts as follows:

1. By-Law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
 - 1.1. Schedule 1 – Zoning Map is amended by removing reference to “Not Subject to this By-Law”, and by adding the zone symbol ‘CG’, as shown on Schedule “A” attached to and forming part of this By-Law.
 - 1.2. Schedule F – Holding Overlay is amended by adding Holding Overlay Number H235, as shown on Schedule “B” attached to and forming part of this By-Law.
 - 1.3. By adding the following Holding Overlay H235 in Section 22 – Holding Conditions, as follows:

“**H235.** The Holding Overlay only applies to the following: a **dwelling unit** within a **mixed use building**; a **day care centre**; an **institutional use**; a **library**; and a **special needs facility**. All other permitted **uses** are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be satisfied:

- (a) The submission of a satisfactory noise impact study prepared by a qualified person as defined by the **City** and completed to the satisfaction of the **City** and which adheres to all applicable municipal and provincial requirements.”
2. The lands shown on Schedule “A” attached to and forming part of this By-Law are incorporated into the Kingston Zoning By-law and the provisions of City of Kingston By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended, no longer apply to the lands.
3. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



**Schedule 'A'
to By-Law Number**
Address: 780 Gardiners Rd.
File Number: D14-001-2024

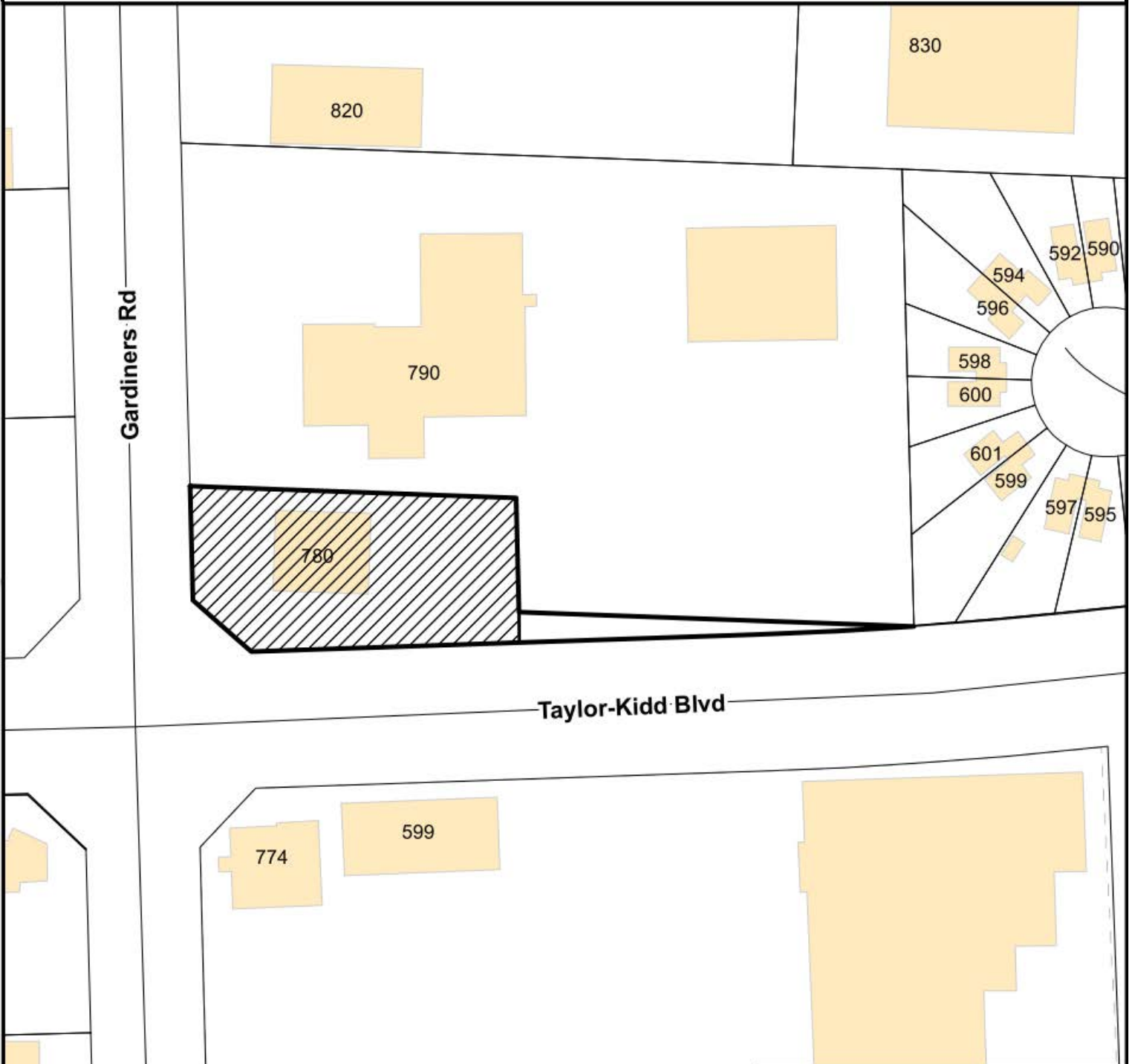
**Kingston Zoning By-Law 2022-62
Schedule 1 - Zoning Map**

Lands to be Rezoned from NA to CG

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2023.


Mayor Clerk





**Schedule 'B'
to By-Law Number**
Address: 780 Gardiners Rd.
File Number: D14-001-2024

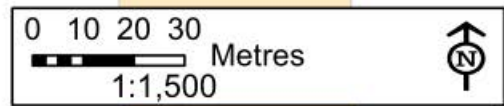
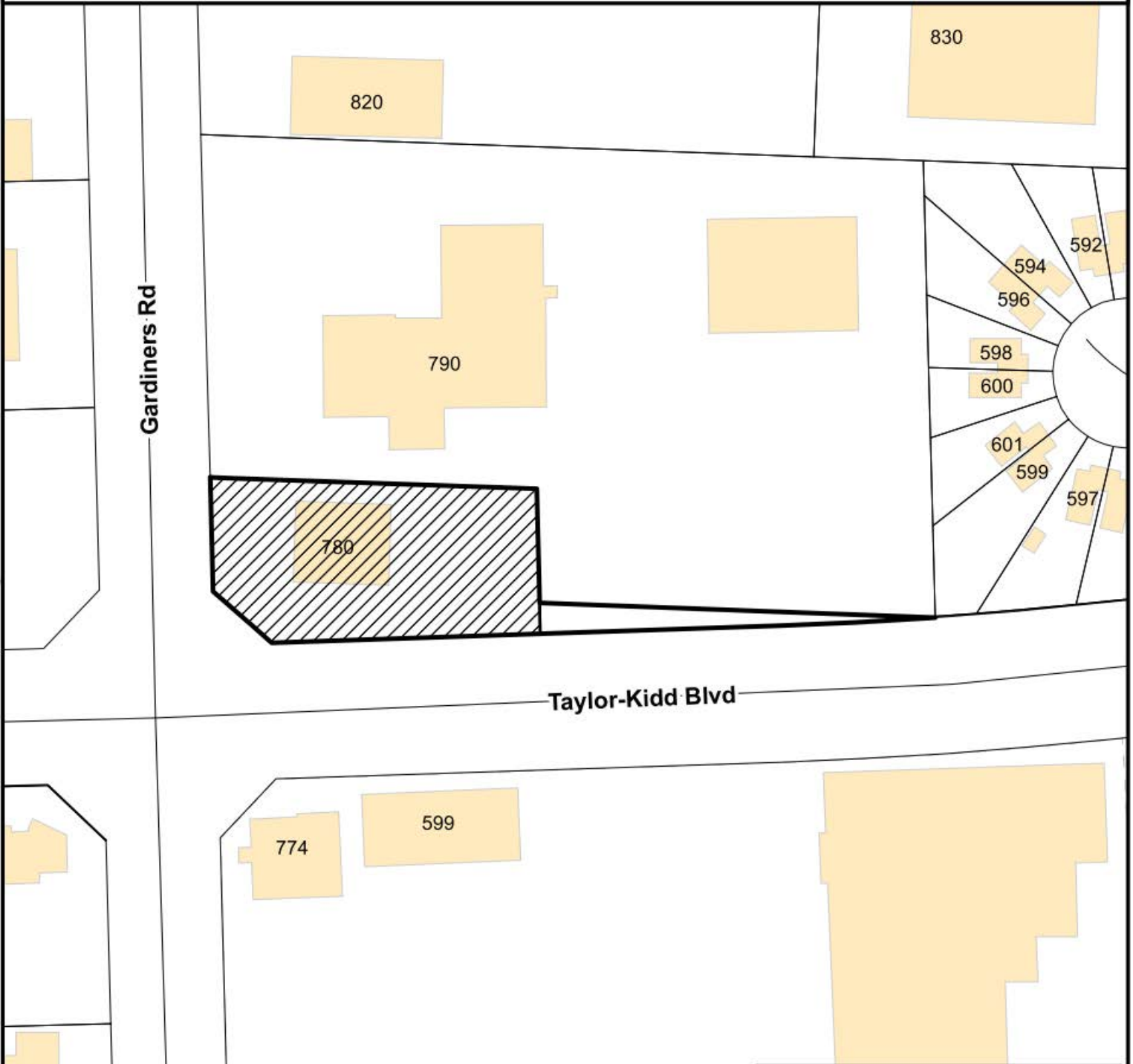
**Kingston Zoning By-Law 2022-62
Schedule F - Holding Overlay**

 Lands to be Zoned HXXX

Certificate of Authentication

This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 2023.

Mayor Clerk

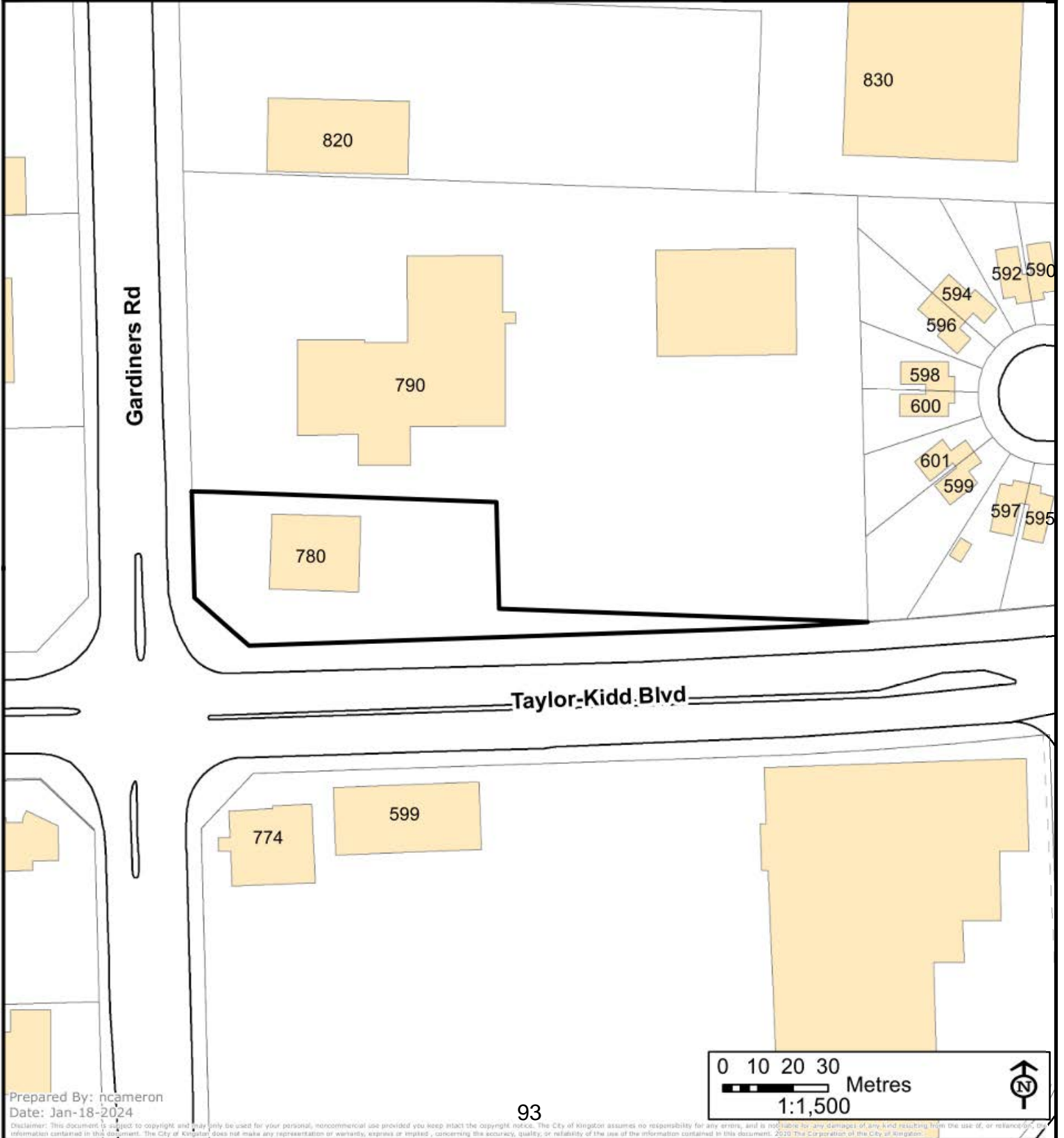
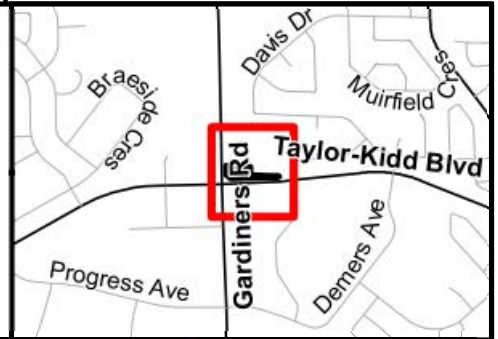




Planning Committee Key Map

Address: 780 Gardiners Rd
File Number: D14-001-2024
Prepared On: Jan-18-2024

 Subject Lands





Planning Committee Neighbourhood Context

Address: 780 Gardiners Rd
File Number: D14-001-2024
Prepared On: Jan-18-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Demonstration of How the Proposal is Consistent with the Provincial Policy Statement

Policy Number	Policy	Category	Consistency with the Policy
1.1.1	<p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;</p> <p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity</p>	Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns	<p>Efficiencies in land use development patterns are obtained through the ability to adapt new uses to existing infrastructure and building stock.</p> <p>The proposal supports the accommodation of employment and commercial uses by allowing for a wider range of commercial uses than is permitted by the previous Zoning By-Law 76-26.</p> <p>The proposal is transit supportive as it will facilitate future commercial development in a location serviced by multiple bus transit routes.</p> <p>The proposal will facilitate future development on a parcel of land already serviced by municipal water and sewage infrastructure.</p> <p>The application will facilitate the future redevelopment of an existing under-utilized commercial property through infill development.</p>

Policy Number	Policy	Category	Consistency with the Policy
1.1.3.1	Settlement areas shall be the focus of growth and development.	Settlement Areas	The subject lands are located within the Urban Boundary, which is the defined as a settlement area for the City and are well serviced by transit. No expansion of the Urban boundary is required.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive. 	Settlement Areas	<p>The proposed Zoning By-law Amendment will facilitate the future re-development of this under-utilized commercial property, representing an efficient use of land in municipal infrastructure. The site's proximity to multiple bus routes represents an efficient use of transit infrastructure.</p> <p>As no development is proposed, there are no negative impacts to air quality or climate change.</p>
1.1.3.3	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	Settlement Areas	The proposal will allow the subject site to be reviewed according to more modern development standards, facilitating future redevelopment.

Policy Number	Policy	Category	Consistency with the Policy
1.2.6.1	Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.	Land Use Compatibility	A Holding Overlay, which will apply only to sensitive uses permitted by the CG Zone that were not permitted under the original zoning for the property, will be established through this application. Prior to removal of the Holding Overlay, a noise and vibration study must be submitted that demonstrates that no adverse impacts on sensitive uses due to noise will be anticipated.
1.3.1	<p>Planning authorities shall promote economic development and competitiveness by:</p> <p>a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;</p> <p>b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;</p> <p>c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</p>	Employment	The proposed Zoning By-Law Amendment seeks to ensure the subject property is regulated via the most up-to-date zoning regulations, encouraging the establishment of new business on the site. This will improve and diversify the City's economic base, given that the property is currently vacant. The proposal will also create opportunities for mixed use development, provided that noise and vibration concerns can be addressed.

Policy Number	Policy	Category	Consistency with the Policy
	<p>d) encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities, with consideration of housing policy 1.4; and</p> <p>e) ensuring the necessary infrastructure is provided to support current and projected needs</p>		
1.3.2.1	<p>Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.</p>	Employment Areas	<p>This proposal supports the protection and preservation of the commercial land use on this property by widening the range of permitted uses and thereby facilitating re-investment and redevelopment.</p>
1.6.6.2	<p>Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</p>	Sewage, Water and Stormwater	<p>The subject property is already serviced by municipal water and sewage services.</p>
1.6.7.2	<p>Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.</p>	Transportation Systems	<p>The subject site is in close proximity to several bus stops which are serviced by Kingston Transit Routes 11 and 14, as well as Express Route 701.</p>





Policy Number	Policy	Category	Consistency with the Policy
1.7.1	Long-term economic prosperity should be supported by: a) promoting opportunities for economic development and community investment-readiness;	Long-Term Economic Prosperity	This proposal promotes opportunities for economic development by facilitating future redevelopment of this property by allowing a wider range of permitted commercial uses.
2.1.1	Natural features and areas shall be protected for the long term.	Natural Heritage	No natural heritage features on or adjacent to the subject property.
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	Cultural Heritage and Archeology	The property has no built heritage resources and is not adjacent to any heritage properties. The property is not within a significant cultural heritage landscape.
2.6.4	Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.	Cultural Heritage and Archeology	No potential for archeological resources is identified for the subject property.

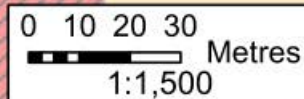
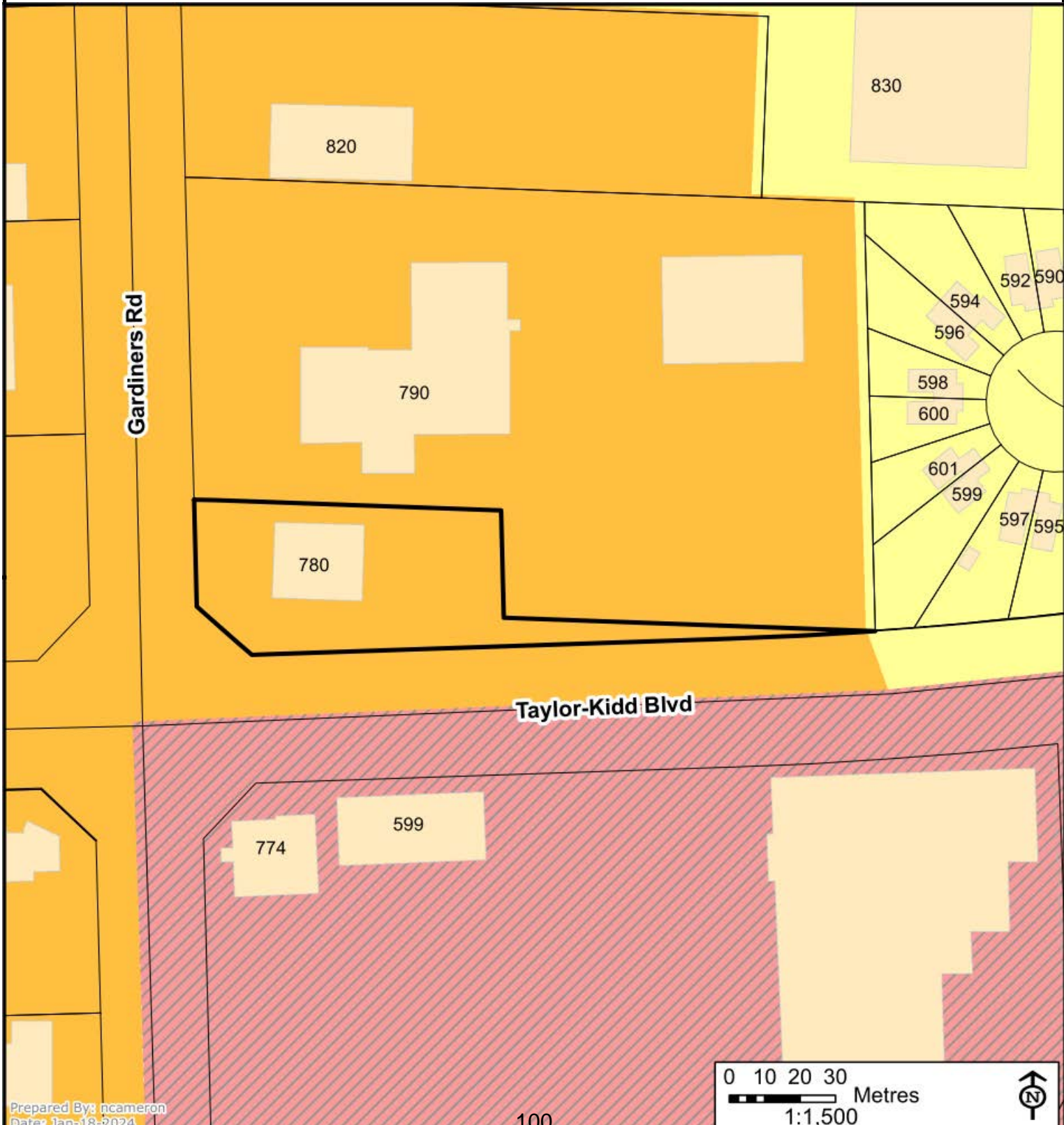


Planning Services

Planning Committee Official Plan, Existing Land Use

Address: 780 Gardiners Rd
File Number: D14-001-2024
Prepared On: Jan-18-2024

-  Subject Lands
-  ARTERIAL COMMERCIAL
-  REGIONAL COMMERCIAL
-  RESIDENTIAL



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Demonstration of How the Proposal Conforms to the Official Plan

Policy	Category	Conformity with the Policy
<p>2.1.1. Most growth will occur within the Urban Boundary, shown on Schedule 2, where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> a. appropriate (minimum) densities; b. land use patterns that foster transit and active transportation; c. enhanced access to public amenities and spaces for all residents, visitors and workers; g. maximized use of investments in infrastructure and public amenities; h. strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use; j. where possible, the preservation of mature trees for shade and their other beneficial ecological and community effects; l. promotion of green infrastructure to complement infrastructure; n. an ecosystem approach to protecting the natural heritage system 	<p>Urban Areas – Focus of Growth</p>	<p>The subject lands are located within the Urban Boundary, and any future development will increase the density of commercial uses as envisioned for the lands.</p> <p>The lands are located near to public transit and active transportation infrastructure such as bike lanes and bus stops.</p> <p>The lands are located within walking distance from the Kingston Transit transfer station located at the Cataraqui Town Centre.</p> <p>Any future on-site development will utilize existing infrastructure without the need of any additional extensions.</p> <p>The proposed Zoning By-Law Amendment seeks to revitalize an under-used commercial property by permitting a wider range of commercial uses under the CG Zone within Kingston Zoning By-law 2022-62 compared to the C2-25 Zone within Kingston Township Zoning By-law 76-26 that currently applies to the property.</p> <p>There are no trees or natural heritage features of any kind on the subject property.</p>
<p>2.2.4. The Urban Boundary shown by the dashed line on Schedule 2 has been established to recognize the substantially built up areas of the City where major sewer, water and transportation infrastructure has been planned. The land within the Urban Boundary will be the focus of growth and development in the City and contains sufficient land to accommodate the projected</p>	<p>Urban Boundary</p>	<p>The subject lands are within the urban boundary and will facilitate future redevelopment of lands within the built up area of the City and with existing infrastructure services.</p>

Policy	Category	Conformity with the Policy
<p>growth for a planning horizon of 2036. The Area Specific Phasing area within the Urban Boundary is subject to site-specific urban growth management policies. The Special Planning Area sites are also within the Urban Boundary and are now committed to a substantial land use but could accommodate future growth.</p>		
<p>2.2.6. Business Districts are primarily intended to accommodate employment opportunities. These include General Industrial and Business Park Industrial designations, as well as the Waste Management Industrial designation and limited retail and service commercial uses that serve business activities. The Norman Rogers Airport is also recognized as being in a Business District under an Airport designation. Regional Commercial uses and some specialized quasi-commercial uses will be limited to the permitted uses for the specific designations, as described in Section 3. Standards in Business Districts will be sufficiently flexible to allow a ready response to new types of employment uses provided that:</p> <ul style="list-style-type: none"> a. areas of interface with sensitive uses are addressed so that compatible development is achieved and there is no adverse effect on the sensitive use or to the proposed employment use(s); b. an upgraded visual appearance is maintained at gateways as defined in Section 8.11, along major roads and the interface with any Centre, Corridor or Housing District shown on Schedule 2; c. uses which may involve noise or odour are sufficiently separated, buffered, or screened in 	<p>Business Districts</p>	<p>The subject lands are located within the Urban Boundary, and within an established commercial employment area. Any future non-residential development on the subject property shall be subject to Site Plan Control, at which point technical details can be reviewed to ensure there are no land use compatibility concerns.</p> <p>Certain sensitive uses are permitted within the CG Zone that were not permitted under the property's previous zoning. A Holding Overlay will be established on the property to require that noise and vibration concerns are addressed prior to allowing any newly permitted noise sensitive uses to be developed. The permitted uses within the CG Zone are not anticipated to create significant levels of noise or odour.</p> <p>No development is currently proposed, however, streetscape aesthetic concerns as well as traffic concerns can be reviewed and considered at the time of a future Site Plan Control application.</p> <p>The proposed CG (General Commercial) Zone is compatible with the other commercial uses in the surrounding area and is suitable for the size and location of the subject property. The</p>

Policy	Category	Conformity with the Policy
<p>accordance with the Ministry of the Environment and Climate Change Guidelines (D-1 and D-6) or any such further regulation implemented by the City, as applicable;</p> <p>d. uses which generate large amounts of traffic or have intensive onsite operations are located in areas that are able to accommodate, or can be improved to accommodate, such activity levels without adverse effects on the planned transportation system, the nearby Housing Districts, Centres or Corridors; and,</p> <p>e. regional commercial uses, institutions, recreation or hospitality uses will be restricted to limited locations that will not undermine the business park, industrial or technological uses intended as the focus of Business Districts.</p>		<p>proposal will not undermine other business park, industrial or technological uses.</p>
<p>2.3.1. The focus of the City's growth will be within the Urban Boundary, shown on Schedule 2, where adequate urban services exist, or can be more efficiently extended in an orderly and phased manner, as established by this Plan. Kingston's Water Master Plan and Sewer Master Plan will guide the implementation of the infrastructure planning.</p>	<p>Growth Focus</p>	<p>The subject lands are located within the Urban Boundary, which is the focus of growth. It is intended that future development of the property will re-use existing services.</p>
<p>2.3.2. In 2013, residential density within the City's Urban Boundary was 25.7 units per net hectare. The City intends to increase the overall net residential and non-residential density within the Urban Boundary through compatible and complementary intensification, the development of underutilized properties and brownfield sites, and through the implementation of area specific policy directives tied to Secondary Planning Areas and</p>	<p>Intensification</p>	<p>This proposal supports the increase in overall net non-residential density through intensification by facilitating the future redevelopment of an under-utilized commercial property.</p>

Policy	Category	Conformity with the Policy
Specific Policy Areas, as illustrated in Schedule 13.		
2.3.7. The City will promote and protect employment areas and pursue increased levels of job creation in the commercial, institutional and industrial sectors in order to foster a diversified and vigorous economic base with a range of opportunities for its residents.	Employment	The permitted uses will facilitate employment opportunities to achieve a diversified economic base for residents of the City of Kingston.
2.3.11. In order to implement the Strategic Direction of the Kingston Transportation Master Plan, active transportation will be aggressively promoted with greater emphasis on pedestrians, cyclists and transit, and accessibility for all residents and visitors.	Principles of Growth – Transportation	See Section 2.1.1. Property is located near bike lane infrastructure and is serviced by Kingston Transit Routes 11, 14, and 701 with multiple bus stops nearby.
2.3.18. Through the prevention and removal of barriers for persons with disabilities, and the application of universal design principles, the City supports and promotes opportunities for all people to access the City and make contributions as citizens. The application of universal design principles in development and renovation is promoted. The City also encourages owners of private properties with public access to do the same.	Principles of Growth – Accessibility	Proposals for future development will have to comply with the Accessibility for Ontarians with Disabilities Act (AODA).
2.4.1. The City supports sustainable development of a compact, efficient, urban area with a mix of land uses and residential unit densities that optimize the efficient use of land in order to: a. reduce infrastructure and public facility costs; b. reduce energy consumption and greenhouse gas emissions; c. support active transportation and viable public transit;	Phasing of Growth - Vision	See Section 2.1.1.

Policy	Category	Conformity with the Policy
<p>d. conserve agriculture and natural resources within the City; and</p> <p>e. reduce reliance on private vehicles.</p>		
<p>2.4.5. The City has established the following minimum targets for intensification to occur within the Urban Boundary.</p> <p>b. It is the intent of the City that ten percent (10%) of new nonresidential development occur through intensification.</p>		<p>This proposal supports the City's intensification targets for non-residential development by encouraging redevelopment of this under used property.</p>
<p>2.6.1. It is the intent of this Plan to promote development in areas where change is desired while protecting stable areas from incompatible development or types of development and rates of change that may be destabilizing.</p>	<p>Protecting Stable Areas – Stable Areas</p>	<p>See Section 2.2.6.</p>
<p>2.7.1. Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.</p>	<p>Compatible Development and Land Use Change</p>	<p>The proposed Zoning By-law Amendment represents a relatively minor change to the subject property in terms of land use. Both the current and proposed zones are commercial zones. The Official Plan's designation of this property as Arterial Commercial is intended to remain. The surrounding land uses to the north, east, south and west are all commercial uses, including several nearby uses included in the CG Zone.</p> <p>The existing C2-25 Zone and proposed CG Zone share a number of permitted uses, as shown in Table 1 of this report under the 'Zoning By-law Discussion' sub-heading.</p> <p>The sole purpose of this application is to encourage redevelopment of this property by permitting a wider range of commercial uses and allowing this property to be reviewed according to the modern performance</p>

Policy	Category	Conformity with the Policy
		standards established in the Kingston Zoning By-law.
<p>2.7.3. The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to:</p> <ul style="list-style-type: none"> a. shadowing; b. loss of privacy due to intrusive overlook; c. increased levels of light pollution, noise, odour, dust or vibration; d. increased and uncomfortable wind speed; e. increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit; f. environmental damage or degradation; g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded; h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting; i. visual intrusion that disrupts the streetscape or buildings; j. degradation of cultural heritage resources; k. architectural incompatibility in terms of scale, style, massing and colour; or, l. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents. 	Land Use Compatibility Matters	<p>No physical development is proposed or contemplated as part of this Zoning By-law Amendment application.</p> <p>See Section 2.7.1 for discussion of compatibility of proposed land use change with surrounding uses.</p> <p>If new non-residential development is proposed for the subject property, Site Plan Control application will be required. As part of this application, technical details with regards to shadowing, light, noise, traffic, etc. will be assessed and reviewed. Through the Site Plan Control application process, the City may request such technical studies and reports as it deems are appropriate to assess the development proposal's compatibility with surrounding land uses.</p>

Policy	Category	Conformity with the Policy
<p>2.9.1. It is the intent of this Plan to promote economic development and competitiveness by:</p> <ul style="list-style-type: none"> a. providing an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs; b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities and complementary uses, and takes into account the needs of existing and future businesses; c. planning for, protecting and preserving employment areas for current and future uses; d. ensuring the necessary infrastructure is provided to support current and projected needs; and, e. encouraging the development of business incubators. 	<p>Economic Development Strategy</p>	<p>By allowing for a wider range of permitted commercial uses on the property, this proposal supports the diversification of the City’s economic base while preserving the subject lands for commercial/employment uses.</p> <p>The property will benefit from existing municipal infrastructure in terms of transit as well as water and wastewater services.</p>
<p>3.4.E.1. Permitted uses in the Arterial Commercial designation include a range of services that cater to the travelling public, uses that require large sites, or which require outdoor display such as vehicle sales lots or vehicle rental premises, hospitality uses, and automotive uses such as gas bars and service stations. Large floor-plate retail uses intended for a Regional Commercial designation are not included. Outdoor patio restaurants may be permitted in accordance with the policies of Section 3.4.G. Limited convenience commercial goods and services may also be permitted with the size and type of use regulated in the zoning by-law.</p>	<p>Arterial Commercial – Permitted Uses</p>	<p>Permitted uses within the proposed CG Zone align with the intent of the Arterial Commercial designation and the permitted uses identified for this designation within the Official Plan.</p>

Policy	Category	Conformity with the Policy
Office uses are permitted as an accessory use only.		
3.4.E.2. The planned function of an Arterial Commercial designation is to provide for a limited range of goods and services that do not fit well within the retail hierarchy and require a location on a major road. The designation is not intended to accommodate uses planned for a Regional Commercial designation or other designation in the retail hierarchy.	Arterial Commercial – Function	See Section 3.4.E.1.
3.4.E.3. The City contains a number of older strip plazas that have developed along arterial roads that are major arteries into the City. These sites, designated Arterial Commercial, contain a mix of retail, office and service uses in addition to the uses currently permitted in the Arterial Commercial designation. The implementing zoning by-law for those sites may recognize the existing wider range of uses.	Arterial Commercial – Existing Development	780 Gardiners Road is currently unused. The property was formerly used as an automotive centre and auto dealership. An automobile sales establishment is a permitted use within the proposed CG Zone.
4.1.1. New development will proceed only if the City is satisfied that adequate services, roads, and utilities are available, or can be made available, to serve the proposal adequately. In determining the adequacy of servicing, utility systems, or the transportation system, the City will consider not only the proposal, but also the potential for development that exists in the same service area.	Infrastructure & Transportation – New Development	No new development is proposed at this time. If new non-residential development or redevelopment is proposed, a Site Plan Control application will be required at which time servicing, utilities, and other technical details related to infrastructure and transportation shall be evaluated.
6.1.1. The City will protect and encourage the stewardship and restoration of the natural heritage system identified on Schedules 7 and 8 by directing development away from natural heritage features and areas. Further, land use and development within the	Natural Heritage System – Intent	No natural heritage features are existing on the subject lands. As such, future development on these lands will have no adverse impacts on the natural heritage system.

Policy	Category	Conformity with the Policy
<p>adjacent lands to natural heritage features and areas will be regulated by the City to protect the ecological function of the natural heritage system. Environmental impact assessments may be required to demonstrate that development and land use change will not result in negative impacts.</p>		
<p>7.1.7. The City may require that a heritage impact statement be prepared by a qualified person to the satisfaction of the City for any development proposal, including a secondary plan, which has the potential to impact a built heritage resource. The scope of the heritage impact statement is determined in consultation with the City and must include information and assessment relevant to the circumstances, including alternative development approaches or mitigation measures to address any impact to the built heritage resource and its heritage attributes. A heritage impact statement may be required where construction, alteration, demolition, or addition to a property located within a heritage conservation district or heritage area is proposed. The City may also require a heritage impact statement for any requests to de-designate a protected heritage property; such statements must include an assessment of the current cultural heritage value of the property and any impacts that de-designating the property will have on the cultural heritage value of the area.</p>	<p>Cultural Heritage and Archeology – Heritage Impact Statement</p>	<p>780 Gardiners Road does not contain any built heritage resources, nor is the property adjacent to any built heritage resources. As such, no heritage impact statement is required.</p>
<p>7.4.1. The Archaeological Master Plan is intended to manage archaeological resources in the City and provide policy direction in</p>	<p>Cultural Heritage and Archaeology – Archaeological Master Plan</p>	<p>Heritage Planning staff have confirmed that there is no potential for archeological resources on these lands. As</p>

Policy	Category	Conformity with the Policy
assessing areas of archaeological potential.		such, no archeological studies are required.
<p>9.5.9. When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <p>a. conformity of the proposal with the intent of the Official Plan policies and schedules;</p> <p>b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan;</p> <p>c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area;</p> <p>d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development;</p> <p>e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas;</p> <p>f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;</p> <p>g. the impact on municipal infrastructure, services and traffic;</p>		<p>As outlined throughout this table, the proposal complies with all relevant policies and schedules of the Official Plan.</p> <p>No new development in terms of construction is proposed through this Zoning By-law Amendment application. The proposed new CG zoning for this property is compatible with the surrounding uses and zones.</p> <p>No new buildings or structures are proposed.</p> <p>The proposed CG Zone is similar to the existing C2-25 Zone in terms of permitted uses. The Zoning By-Law Amendment will allow for several newly permitted commercial uses and will allow the site to be reviewed according to the modern performance standards of the Kingston Zoning By-Law 2022-62. This is intended to encourage redevelopment of the unused property.</p> <p>Site Plan Control application will be required for new non-residential development on the site. Technical details such as the functionality of loading and parking will be assessed at the time of such an application</p> <p>Commercial uses permitted in the proposed CG Zone are anticipated to support a similar level of density relative to other nearby commercial uses.</p> <p>No impacts to municipal infrastructure, services, or traffic are anticipated given that no new development is proposed.</p> <p>No City staff or members of external agencies have objected</p>

Policy	Category	Conformity with the Policy
<p>h. comments and submissions of staff, agencies and the public; and,</p> <p>i. the degree to which the proposal creates a precedent.</p>		<p>to the applicant's proposal. At the time of writing this report, no public comments have been received.</p> <p>The proposal does not create a negative precedent, as Planning staff have been supportive of applications to rezone lands subject to zones outdated zoning by-laws to comparable zones under the current Kingston Zoning By-Law 2022-62.</p>

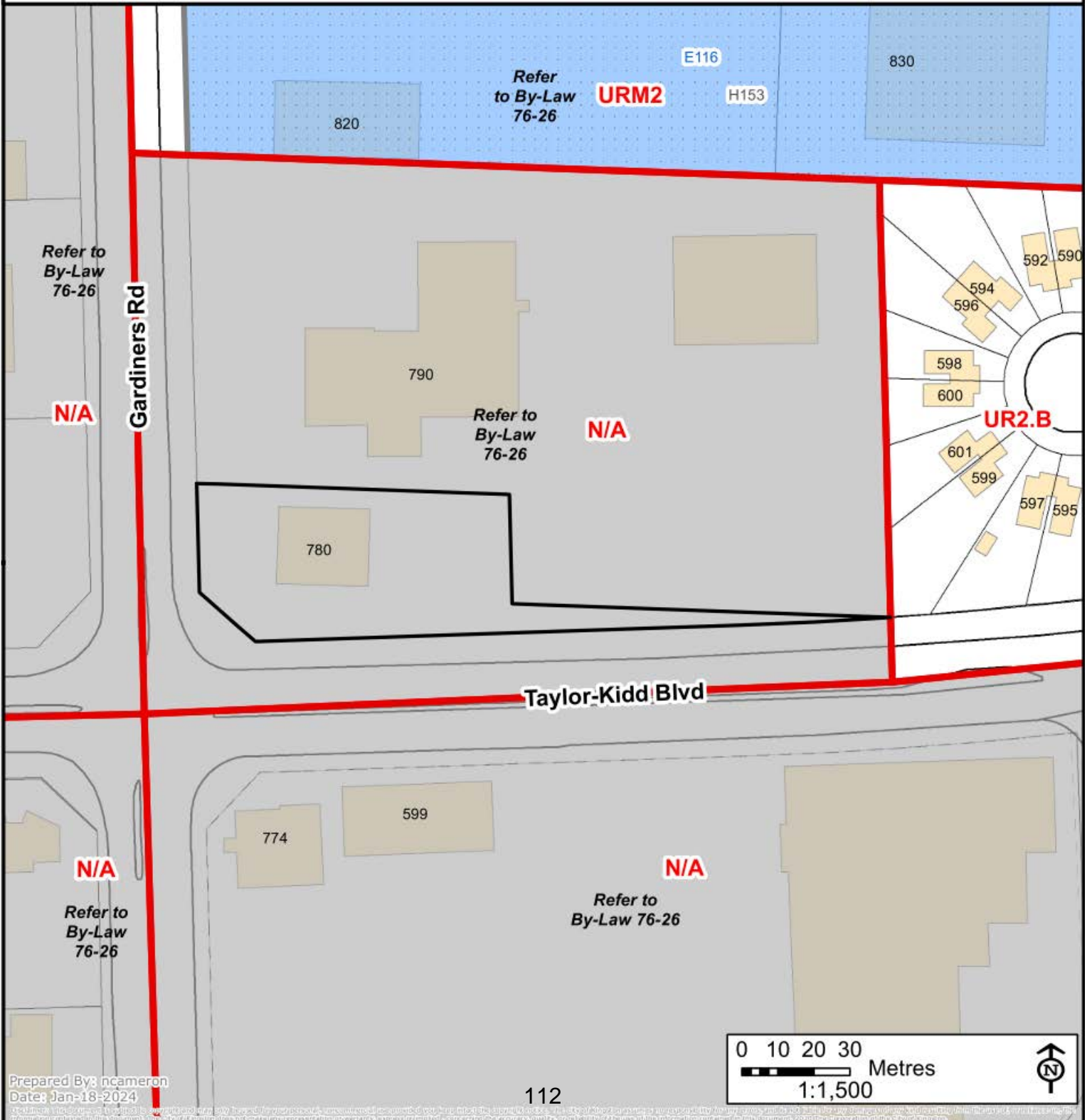


Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 780 Gardiners Rd
File Number: D14-001-2024
Prepared On: Jan-18-2024

- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



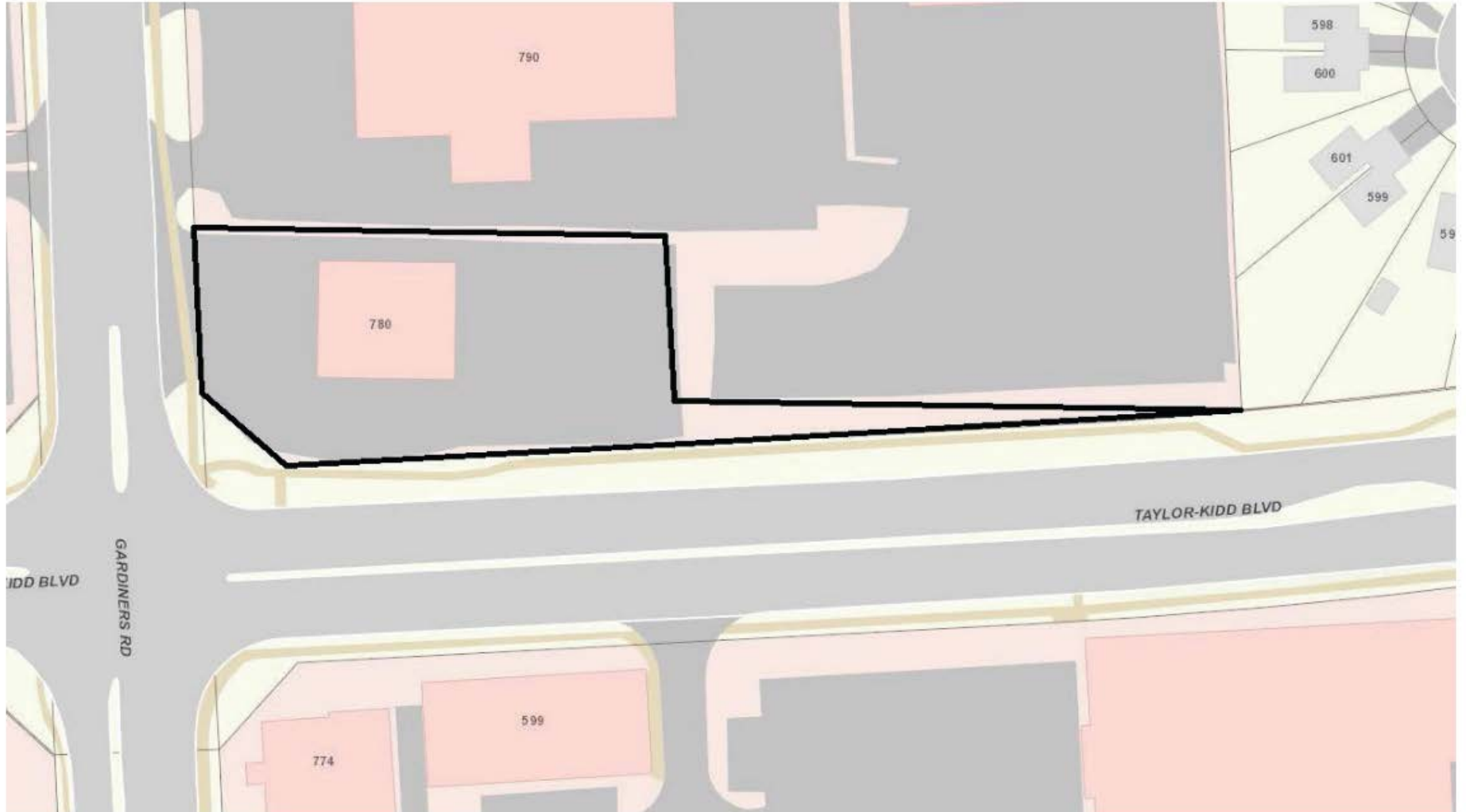




Figure 1: Frontal view of the subject property at 780 Gardiners Road. Existing building was formerly used as an automotive centre and is currently vacant.



Figure 2: View of the rear and side of the existing vacant building from the sidewalk adjacent to Taylor-Kidd Boulevard.



Figure 3: View of the adjacent auto dealership use at 790 Gardiners Road. An associated Consent application (File Number D01-003-2024) seeks to transfer the irregular triangular lot portion at the east of 780 Gardiners Road to this adjacent property at 790 Gardiners Road to regularize the irregular parcel fabric.



Figure 4: View of other commercial properties at 795 Gardiners Road, across the road from the subject property. Commercial uses permitted within the CG Zone will be compatible with the existing commercial character of the surrounding area.

