



**City of Kingston
Report to Planning Committee
Report Number PC-24-028**

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: April 4, 2024
Subject: Community Meeting Report
File Numbers: D01-004-2024

Council Strategic Plan Alignment:

Theme: Regulatory & compliance

Goal: See above

Executive Summary:

The following is a Community Meeting Report enclosing information about the following applications that will be subject to a Community Meeting at Planning Committee, with a presentation by the applicant:

- Address: 61 Hyperion Court (File Number D01-004-2024, Future Application Type: zoning by-law amendment)

March 4, 2024

Page 2 of 4

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

March 4, 2024

Page 3 of 4

Options/Discussion:

Non-Statutory Community Meeting

The purpose of the Community Meeting is to provide the applicant with an opportunity to present a potential development proposal in the early stages of the development process and to seek feedback from the public and members of Planning Committee before a complete application is submitted to the City. Anyone who attends a Community Meeting may present an oral submission, and/or provide a written submission on the proposals being presented.

A Community Meeting Form (completed by the applicant) and a standard map package showing the location of the subject site, and relevant Official Plan land use designation and zoning information for each proposal is included as an exhibit to this report, as follows:

- 61 Hyperion Court, File Number D01-004-2024 (Exhibit A)

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.

Statutory Public Meeting

If the applications proceed to a complete application, a statutory Public Meeting for each application will be scheduled at a later date and further Notice regarding the Public Meeting will be provided in accordance with the *Planning Act*.

Existing Policy/By-Law:

Planning Act

Provincial Policy Statement, 2020

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

By-Law Number 2007-43, A By-Law to require Development Proponents to Pre-Consult with The Corporation of the City of Kingston respecting Planning Matters

Notice Provisions:

Notices were sent by mail to all property owners (according to the latest Assessment Rolls) within 120 metres of the subject properties and a notice sign was posted on the subject properties.

March 4, 2024

Page 4 of 4

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Community Meeting Form, Application Materials and Map Package for 61 Hyperion Court (File Number D01-004-2024)



City of Kingston Community Meeting Form

Note to Applicant: This Form is to be completed by the Applicant and is intended to provide a detailed description of the site, locational context and the proposed application as the basis for a Community Meeting at Planning Committee. The only supplementary information that will be provided by Staff for the Community Meeting is a map package (location, Official Plan, zoning, etc). Please keep residents and members of Planning Committee in mind when completing this form by ensuring that all information is thorough, detailed and understandable. Where a field is not applicable to the site or proposal, please indicate "N/A". Since this Form will be attached as an exhibit to a staff report, this Form must be completed in a manner that is accessible. Please refrain from using formatting or tables that are not accessible. If this form is completed in a manner that is not accessible, it may result in delays to the timing of the Community Meeting and may require staff to make amendments or adjustments prior to attaching the form as an exhibit to a staff report.

Owner/Application Information

Owner: Caraco Group of Companies

Applicant (if Owner is not the Applicant): Fotenn Consultants Inc. c/o Miles Weekes

Site Characteristics

Site address: 61 Hyperion Court

Site area: 11,760 metres squared

Description of existing use and buildings on site (height, floor area, units, bedrooms, parking spaces, setbacks, etc):

The subject site contains an existing one-storey commercial building, with a total floor area of approximately 2,402 square metres. A total of 128 parking spaces are existing on-site, including five accessible parking spaces. In addition to the commercial building, the property currently includes 128 parking spaces, two (2) loading spaces and five (5) bike parking spaces. A garbage enclosure is located towards the south end of the parking lot. There is a sidewalk along the east side of the existing building which connects to the sidewalk along John Counter Boulevard.

Vehicular access to the site is available from Lappan's Lane and Hyperion Court. Outside of the building, parking and servicing areas, the site is landscaped.

Official Plan designation:

The site is within the Business District identified on Schedule 2 (City Structure) of the Official Plan. The site is also within the Alcan Property Planning Area on Schedule 13, specifically the Alcan District on Schedule 3-D.

Zoning by-law (zone and other relevant schedules and overlays):

The site is regulated by the Kingston Zoning By-law 2022-62. The lands are currently zoned Business Park Zone (M1), which applies to areas identified for employment and generally recognized by the industrial characteristics of the area. The site is located within the PA5 parking area on Schedule 2 of the Zoning By-Law.

Existing number of trees:

Multiple small trees around the periphery of the site.

Number of existing trees to be retained:

All existing trees are to be retained.

Description of heritage status (not a heritage building, listed, designated or located in a heritage conservation district):

Not a heritage building.

Description of Surrounding Uses and Buildings

East: Business Park

West: Open Space

North: Institutional, Industrial

South: Business Park

Description of Proposal

Summary description of the proposal (use, height, floor area, setbacks, units, bedrooms, condominium, rental, affordability level, parking and bike spaces, will existing building or any existing features be retained/renovated/demolished etc.):

The purpose of the application is to permit up to 100% standalone complementary commercial uses in an existing 2,402 square metre commercial building. A minor zoning by-law amendment is required to rezone the site from M1 – Business Park Zone to M4 – Employment Service Zone

to permit the proposed change in the use of the building. No exterior development is proposed; the proposed development will be limited to interior renovations. The hotel and daycare uses listed in the M4 Zone are recommended to be permitted on the subject site, subject to a Holding (-H) Overlay requiring that a satisfactory noise impact study be prepared which addresses all applicable municipal and provincial noise criteria.

Type of Application: Minor Zoning By-law Amendment

Proposed use: Commercial

Proposed number and type of residential units and bedrooms (if residential):

- N/A

Proposed gross floor area (of each use):

Total GFA = 2,402 square metres (existing)

- Commercial GFA = 2,402 square metres (existing)

Proposed height:

1 storey (existing)

Proposed setbacks:

Front: ±15 metres (Lappan's Lane)

Interior: ±50 metres (Hyperion Court)

Exterior: ±10 metres (John Counter Boulevard)

Rear: ±7.5 metres

Proposed number of vehicular parking spaces (include breakdown of occupant, visitor, car-share, accessible, etc):

Total Parking Spaces = 128

- Accessible Spaces = 5
- Standard Spaces = 123

Proposed number of bicycle parking spaces:

5 bicycle parking spaces

Proposed landscaped open space:

34.7% landscaped open space (existing)

Proposed amenity area (if residential):

N/A

Proposed number of trees to be planted:

None.

Description of how the application conforms with the Official Plan:

The site is within the Business District identified on Schedule 2 (City Structure) of the Official Plan. The purpose of the Business District is to accommodate employment opportunities. The proposal introduces flexibility to the subject site and ultimately provides services to the employees within the Business District. As the proposal is to use an existing developed site, there are no concerns regarding impact to sensitive uses and visual appearance. Noise concerns pertaining to sensitive additional permitted uses will be addressed through a Holding (-H) Overlay, which will require the submission of a satisfactory noise study prior to the implementation of those sensitive uses. There are no concerns associated to odour or traffic, nor the undermining of the business park's function.

The Business Park Industrial designation is an employment area intended to provide prominent locations for industrial and industrial support uses. The Business Park Industrial designation permits a variety of employment related uses, in addition to complementary uses as identified by Section 3.6.A.2. This section further notes that a standalone complementary use may be permitted, without amendment to this Plan, subject to demonstrating conformity to various sections of the Plan, such as Section 3.6.12.

Section 3.6.12 explains that complementary uses are intended to improve the quality of life and reduce dependence on the private automobile for employees within the employment area by providing support and services in proximity to employment uses. The subject site is in a high visibility location at the entrance to the business park with multiple road accesses as well as a signalized intersection. The redevelopment will provide services to the employees within the employment area and will not hinder or preclude any employment uses from establishing on any lands in the employment area, nor will the proposal contribute to fragmentation of continuous employment areas due to its location.

The site is also within the Alcan Property Planning Area on Schedule 13, specifically the Alcan District on Schedule 3-D. The District includes those lands originally held by Alcan and used for industrial purposes. The proposal represents a redevelopment of an existing business park which is permitted within the Alcan District. Servicing has been in place for the original development and has been re-reviewed through a Servicing Report for the additional permitted uses. The Servicing Report has concluded that there is capacity in existing municipal infrastructure to accommodate the proposed additional uses.

Section 5.21 of the Official Plan discusses the importance of noise management and the requirements for noise studies for sensitive uses. The proposal requests that all permitted uses

within the M4 Zone apply to the subject property. It is recognized that day care centres and hotels are noise sensitive uses. A holding overlay for these two uses is therefore proposed, which will require the submission of a noise study for the noted sensitive uses.

If located in an area that is subject to Official Plan policies related to source water, natural heritage system, natural heritage features and areas, hazards, cultural heritage resources, areas of archaeological potential, or areas of archaeological significance, description of how the proposal will conform with the policies:

N/A

Description of amendment(s) required to the Zoning By-law:

A zoning by-law amendment is required to rezone the site from M1 – Business Park Zone, to the M4 – Employment Service Zone to permit 100% standalone complementary uses. The following zoning table demonstrates the zoning framework by which the proposed development will be considered. Note that no exceptions are proposed as the intent is to comply with the M4 zone requirements and the range of permitted uses.

However, it is acknowledged that the day care centre and hotel uses are considered noise sensitive uses, and an accompanying noise impact study has not been submitted with the subject application to demonstrate the appropriateness of such uses on the subject site. In order to address potential impacts to these uses due to stationary and/or transportation noise sources in the vicinity, a Holding Zone Overlay is requested. The Holding (-H) Overlay will restrict future development of a day care centre or hotel use until such time that a noise impact study is completed to the satisfaction of the City of Kingston.

Other information that would be valuable for a Community Meeting:

N/A

List of Drawings/Studies Submitted

- Site Plan
- Servicing Report
- Planning Justification

Community Meeting Form Prepared by: Fotenn Consultants Inc.

Date: January 30, 2024

By-Law Number 2024-XX

A By-Law to Amend By-Law Number 2022-62, “Kingston Zoning By-Law Number 2022-62” (Zone Change from ‘M1’ to ‘M4’ Zone and Addition of Holding Overlay H__ (61 Hyperion Court))

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 Council of The Corporation of the City of Kingston deems it advisable to amend the Kingston Zoning By-law;

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 changing the zone symbol from ‘M1’ to ‘M4’, as shown on Schedule “A” attached to and forming part of this By-Law;
 - 1.2. Schedule F – Holding Overlay is amended by adding Hold Number ‘H__’, as shown on Schedule “B” attached to and forming part of this By-Law;
 - 1.3. By adding the following Hold Number H__ in Section 22 – Holding Conditions, as follows:

“H__. The Holding Overlay only applies to a hotel or a day care centre. All other permitted uses are not subject to the Holding Overlay. Prior to the removal of the Holding Overlay, the following conditions must be addressed to the satisfaction of the City:

 - (a) A satisfactory noise impact study prepared by a qualified person (as defined by the City of Kingston) and which adheres to all applicable municipal and provincial requirements has been submitted and completed to the satisfaction of the City of Kingston.”

2. 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



Planning
Services

Schedule 'A' to By-Law Number

Address: 61 Hyperion Court
File Number: D01-004-2024
Prepared On: Feb-13-2024

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

 Lands to be Zoned M4

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 202_.

Mayor

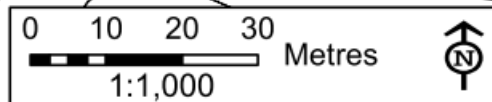
Clerk

John Counter Blvd

61

Lappan's Lane

Hyperion Crt






Planning
Services

Schedule 'B' to By-Law Number

Address: 61 Hyperion Court
File Number: D01-004-2024
Prepared On: Feb-13-2024

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

 Lands to be added as HXXX

Certificate of Authentication

This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 202__.

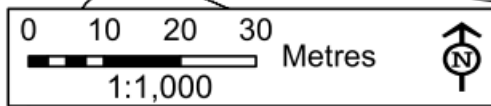
Mayor Clerk

John Counter Blvd

61

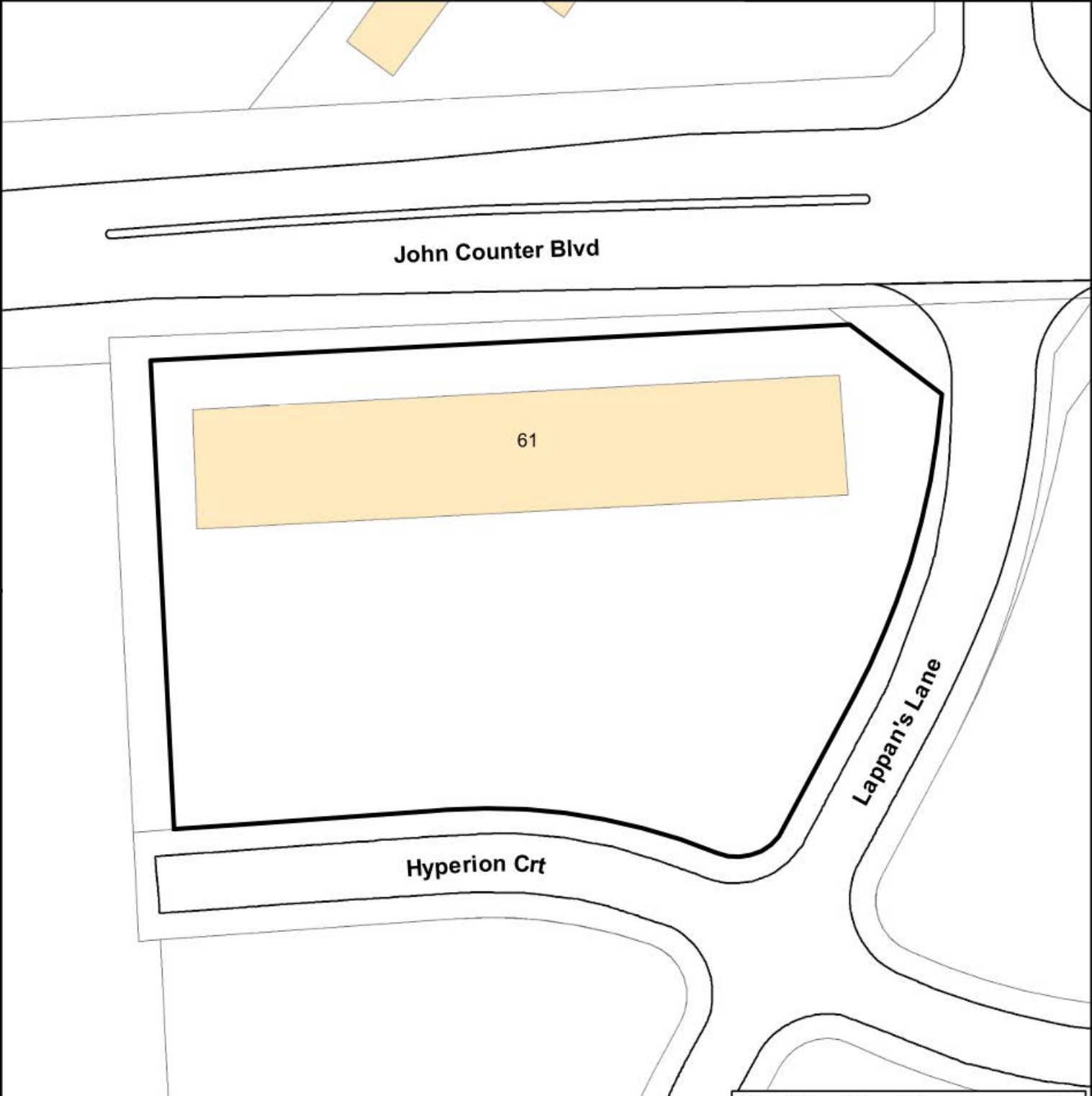
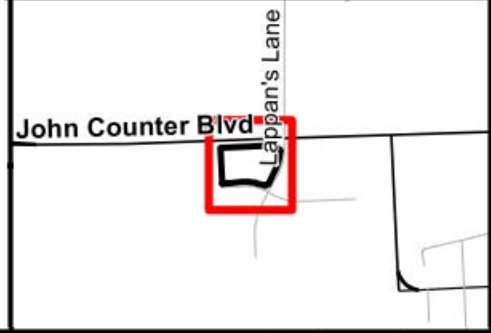
Lappan's Lane

Hyperion Crt

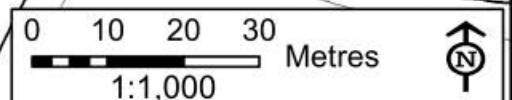




City of Kingston
Key Map
Address: 61 Hyperion Court
File Number: D01-004-2024
Prepared On: Feb-13-2024
☐ Subject Lands



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





City of Kingston Neighbourhood Context

Address: 61 Hyperion Court
File Number: D01-004-2024
Prepared On: Feb-13-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels







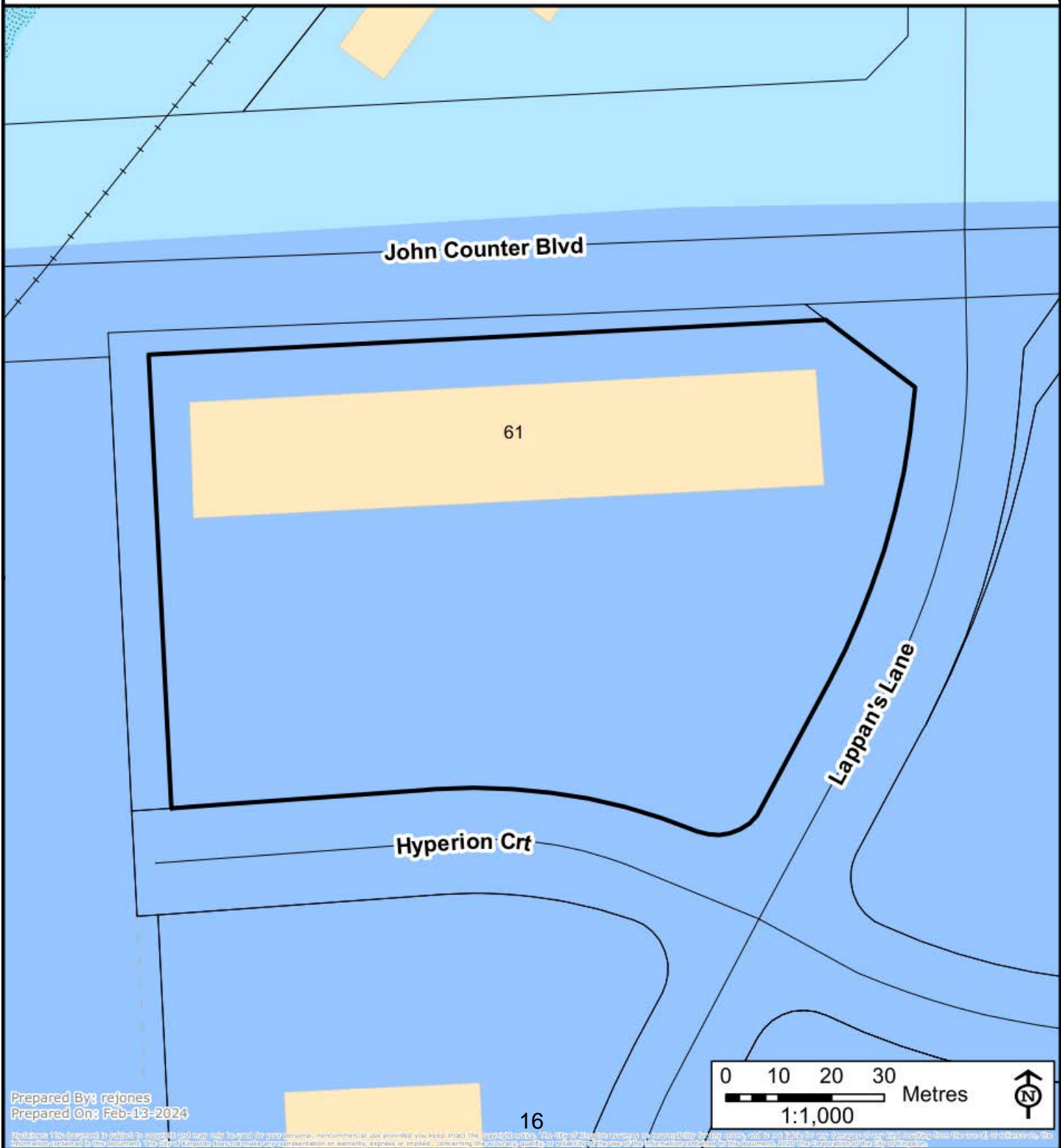


Planning Services

City of Kingston Official Plan, Existing Land Use

Address: 61 Hyperion Court
File Number: D01-004-2024
Prepared On: Feb-13-2024

-  Subject Lands
-  BUSINESS PARK INDUSTRIAL
-  GENERAL INDUSTRIAL
-  WASTE MANAGEMENT AREA





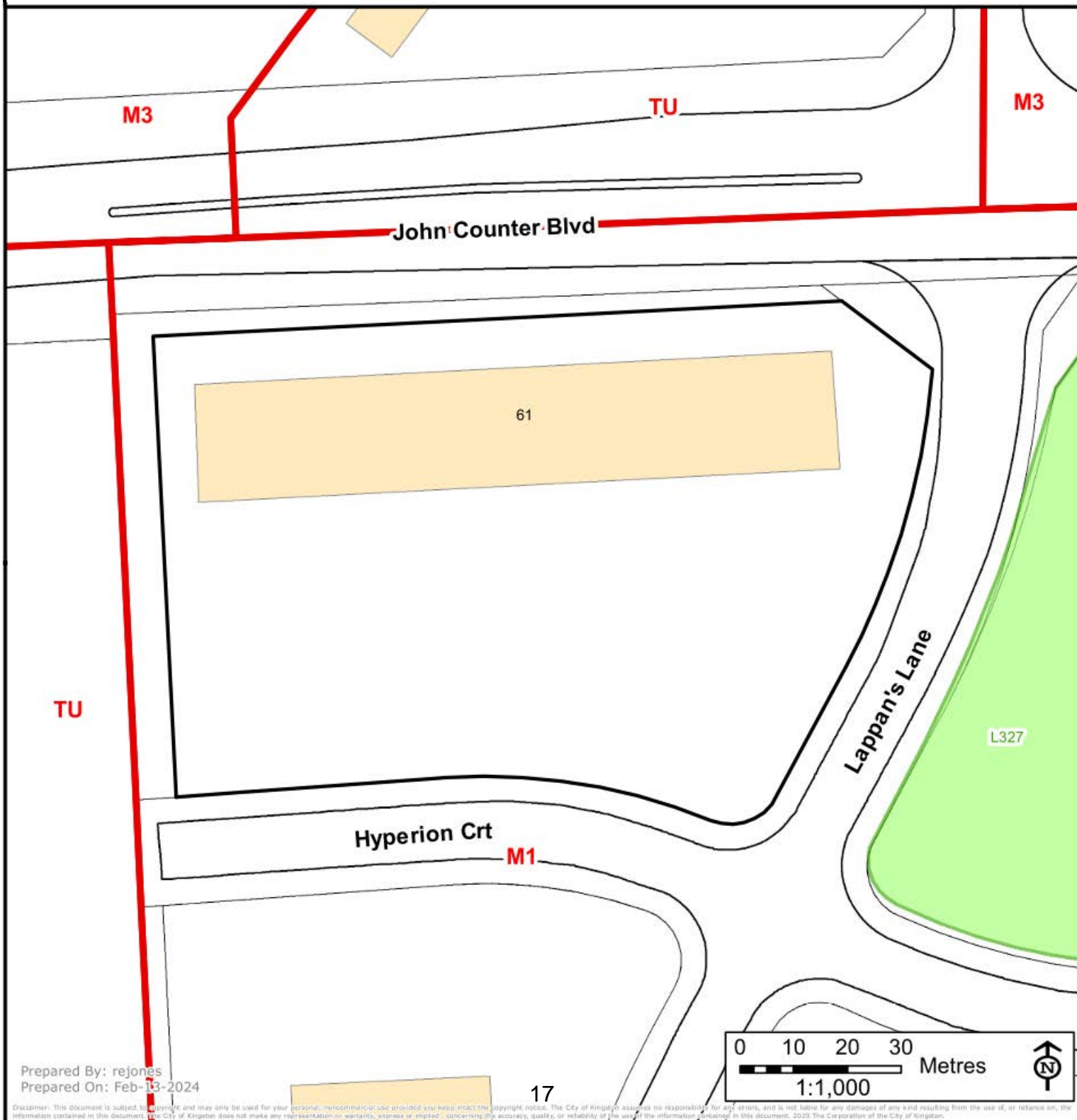
Planning Committee
Existing Zoning
Kingston Zoning By-Law 2022-62

Planning Services

Address: 61 Hyperion Court
File Number: D01-004-2024
Prepared On: Feb-13-2024

Subject Lands
 Schedule 1 Zoning Map
 Zone

Schedule E - Exception Overlay
 Legacy Exceptions (LXXX)
 Exceptions (EXXX)
 Schedule F - Holding Overlay
 Holding Overlay (HXXX)



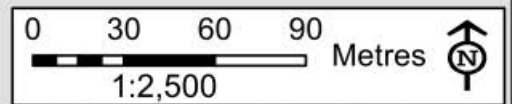
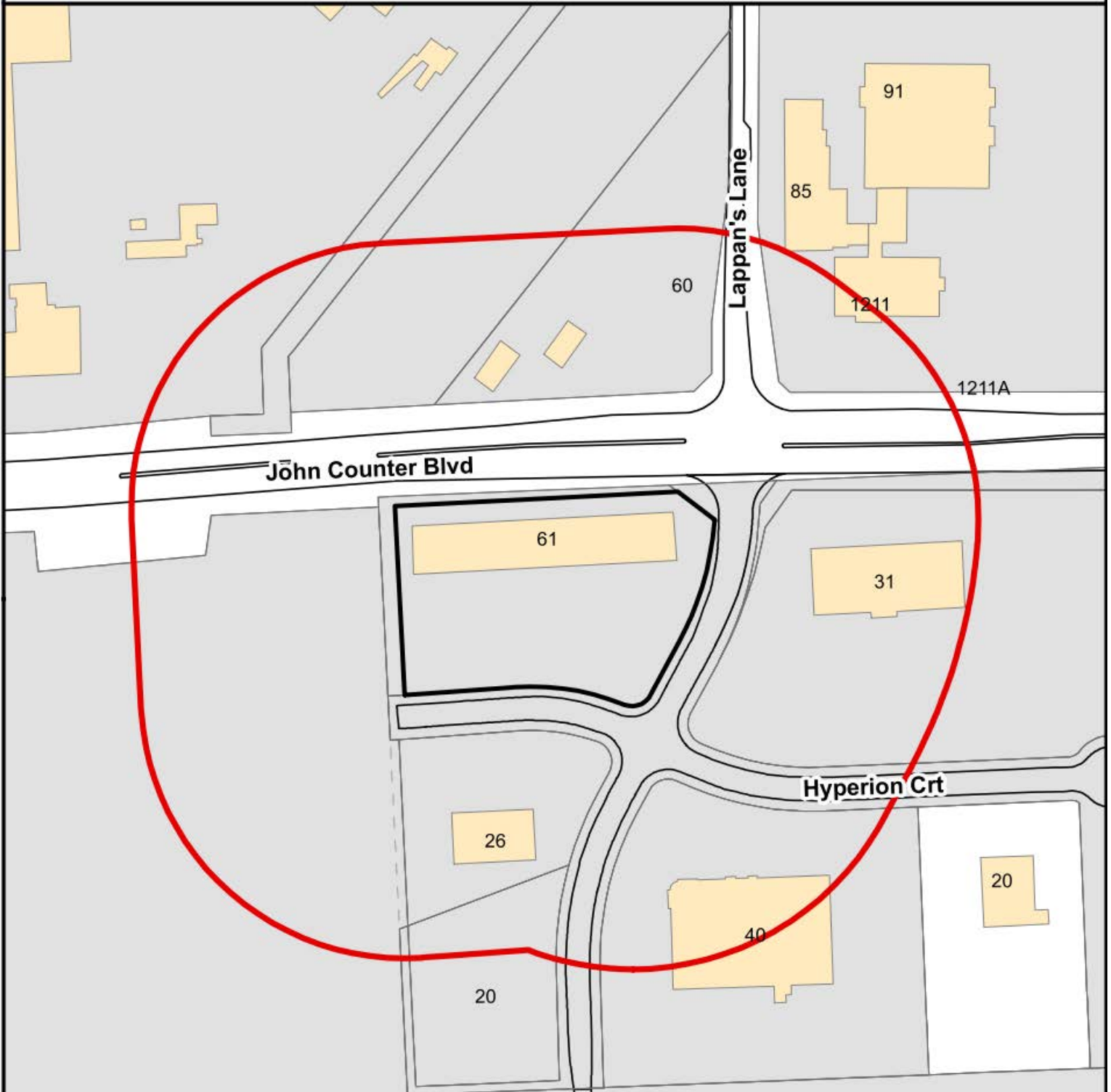
Prepared By: rejonas
Prepared On: Feb-13-2024



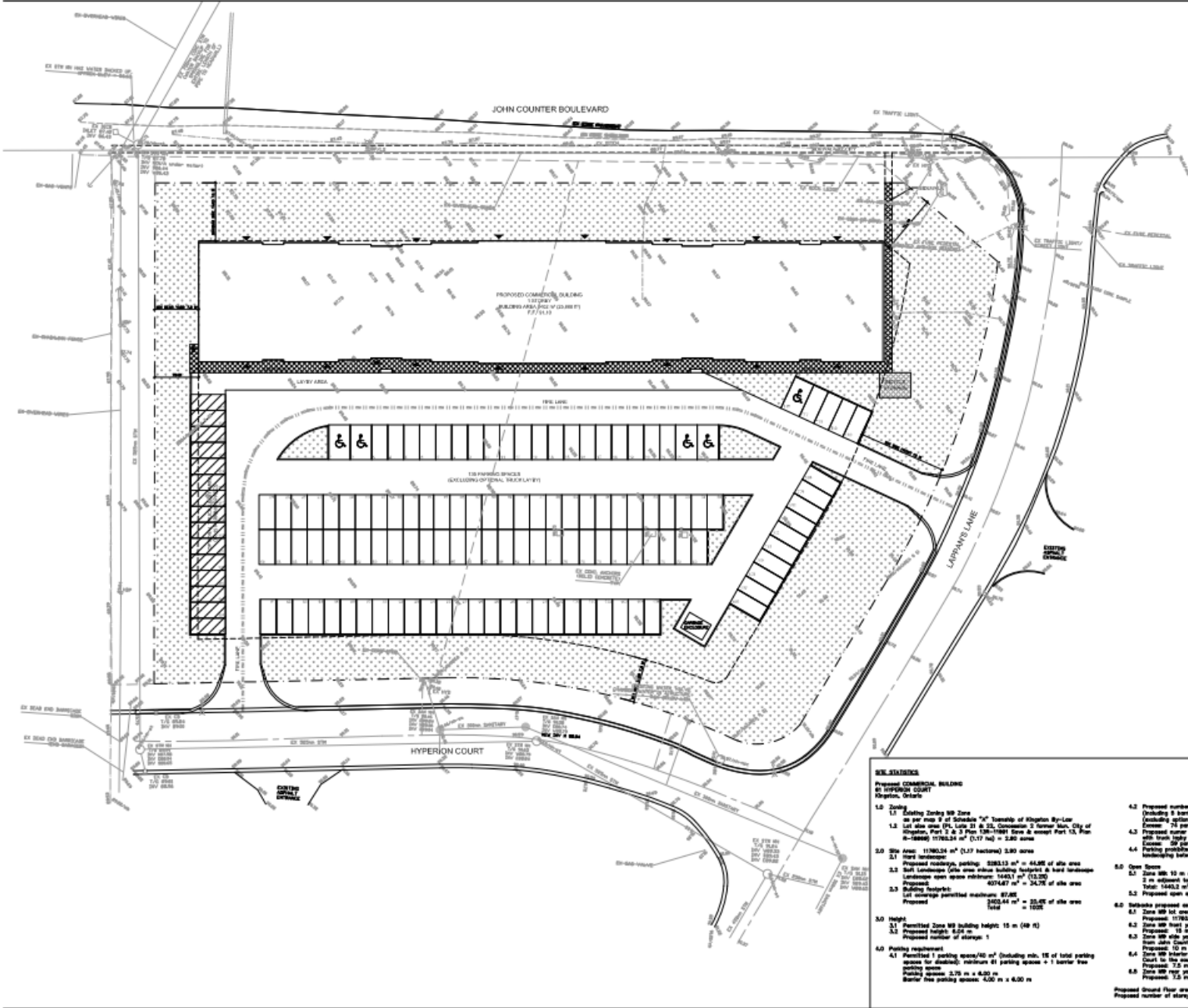
City of Kingston Public Notice Notification Map

Address: 61 Hyperion Court
File Number: D01-004-2024
Prepared On: Feb-13-2024

- 120m Public Notification Boundary
- Subject Lands
- Property Boundaries
- Proposed Parcels
- 13 Properties in Receipt of Notice (MPAC)



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DO NOT SCALE DRAWINGS
CHECK AND VERIFY ALL DIMENSIONS BEFORE
PROCEEDING WITH THE WORK.
DRAWINGS NOT TO BE USED FOR CONSTRUCTION
UNLESS SIGNED AND SEALED BY THE CONSULTANT.
THESE DRAWINGS HAVE BEEN DESIGNED IN
CONFORMANCE WITH THE ONTARIO BUILDING CODE.

REV.	DATE	DESCRIPTION
1	04/20/2024	ISSUED FOR SITE PLAN APPROVAL

LEGEND:

- - - - - LOT BOUNDARY
- - - - - LOT SETBACK
- [Hatched Box] CONCRETE SIDEWALK
- [Dotted Box] FIRE LANE
- [Stippled Box] LANDSCAPED AREA

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HYPERION COURT
COMMERCIAL BUILDING

41 HYPERION COURT
KINGSTON, ONTARIO

SITE PLAN

Drawn By:	WES	Checked By:	
Scale:	1:500	Date:	JUNE 2024
Project No.:	0917	Revision:	1
Drawing No.:			SP01

KEY STATISTICS

Proposed COMMERCIAL BUILDING
41 HYPERION COURT
Kingston, Ontario

1.0 Zoning
1.1 Existing Zoning M9 Zone
as per map 9 of Schedule "L" Township of Kingston By-Law
Lot area area (P.L. Lots 21 & 22, Concession 2, corner Ave. City of
Kingston, Part 2 & 3 Plan 138-11681) Zone M except Part 13, Plan
6-16663 17762.61 m² (1.7 ha) = 2.80 acres

2.0 Site Area
2.1 Total site area: 11762.61 m² (1.7 hectares) 2.80 acres
Proposed residential, parking: 2281.13 m² = 64.8% of site area
2.2 Bare Landscaping (into area where building footprint & bare landscape
Landscaping even across minimum: 1445.1 m² (13.20)
Proposed: 4074.87 m² = 34.7% of site area
2.3 Building footprint: 3423.44 m² = 29.2% of site area
Total lot coverage permitted maximum: 67.8%
Proposed: 3423.44 m² = 29.2% of site area
Total = 100%

3.0 Height
3.1 Permitted Zone M9 building height: 15 m (49 ft)
3.2 Proposed height: 8.25 m
Proposed number of stories: 1

4.0 Parking requirement
4.1 Permitted 1 parking space/40 m² (including min. 18 of total parking
spaces for disabled); minimum of parking spaces + 1 barrier free
parking space
Proposed: 276 m x 6.20 m = 6.20 m
Barrier free parking spaces: 4.50 m x 6.20 m

4.2 Proposed number of parking (surface): 139 spaces
(including 9 barrier free parking spaces)
Excess: 75 parking spaces
4.3 Proposed number of parking (surface): 139 spaces
with 9 barrier free spaces
Excess: 80 parking spaces
4.4 Parking prohibited within 10 m of street, front/side/burn and
back/side between street and parking.

5.0 Open Space
5.1 Zone M9: 10 m adjacent to John Counter Blvd. = 1287.7 m²
2 m adjacent to rear lot line = 182.8 m²
Total: 1470.5 m² (13.38)
5.2 Proposed open space: 4274.87 m² = 36.7% of site area

6.0 Setbacks
6.1 Zone M9 lot area minimum: 4000 m²
Proposed: 11762.61 m²
6.2 Zone M9 front and depth minimum: 18 m from Lurpains Lane
Zone M9 side yard width min. for lot abutting arterial street: 10 m
from John Counter Blvd. to the north
Proposed: 10 m
6.3 Zone M9 rear side yard width minimum: 7.5 m from Hyperion
Court to the south
Proposed: 7.5 m
6.4 Zone M9 rear yard depth minimum: 7.5 m from lot to the east
Proposed: 15.0 m

Proposed Ground Floor area: 3423 m²
Proposed number of stories: 1