

City of Kingston Report to Committee of Adjustment Report Number COA-24-035

To: Chair and Members of the Committee of Adjustment

From: Jason Partridge, Planner

Date of Meeting: April 15, 2024

Application for: Minor Variance

File Number: D13-013-2024

Address: 32 Country Club Drive

District: District 5 – Portsmouth

Owner: Cataraqui Golf & Country Club

Applicant: Forefront Engineering

Council Strategic Plan Alignment:

Theme: Regulatory & compliance

Goal: See above

Executive Summary:

This report provides a recommendation to the Committee of Adjustment regarding an application for minor variance for the property located at 32 Country Club Drive. The applicant is requesting relief from the minimum waterbody separation distance requirement to construct two aggregate stations, one recirculation wash bay, and a stormwater management swale within the waterbody separation setback. The two aggregate stations will be 158.3 square metres and the recirculation wash bay will be 100 square metres in size. The proposed development complies with all other requirements of the Kingston Zoning By-Law, including building height, interior side yard, front yard, and landscaped open space requirements.

The requested minor variances are consistent with the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The requested minor variances are desirable for the appropriate development or use of the land, building or

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structure and is minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and is recommended for approval.

Recommendation:

That minor variance application, File Number D13-013-2024, for the property located at 32 Country Club Drive to establish two aggregate stations, one recirculation wash bay and a stormwater swale within the waterbody separation distance, be approved, as described below:

Variance Number 1:

By-Law Number 2022-62:Section 4.23.1 Waterbody Separation Distance (aggregate stations and recirculation wash bay)

Requirement: 30 Metres Proposed: 10 Metres

Variance Requested: 20 Metres

Variance Number 2:

By-Law Number 2022-62:Section 4.23.1 Waterbody Separation Distance (stormwater swale)

Requirement: 30 Metres Proposed: 7 Metres

Variance Requested: 23 Metres

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-24-035.

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Authorizing Signatures:

ORIGINAL SIGNED BY PLANNER

Jason Partridge, 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 January 30, 2024, a minor variance application was submitted by Kyle Nielissen, on behalf of the owner, Cataraqui Golf & Country Club, with respect to the property located at 32 Country Club Drive. The variances are requesting relief from the minimum waterbody separation distance requirement to construct two aggregate stations, one recirculation wash bay, and stormwater swale within the waterbody separation setback. The proposed new development will comply with all other performance standards of the Kingston Zoning By-Law, including building height, interior side yard, front yard, and landscaped open space requirements.

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

- Cover Letter:
- Site Plan (Exhibit F); and,
- Scoped Environmental Impact Assessment, Ecological Services.

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

Site Characteristics

The subject property is located 32 Country Club Drive (Exhibit B – Key Map) and has a lot area of approximately 54 hectares with approximately 395 metres of frontage along Country Club Drive and 545 metres of frontage along King Street West. The property abuts single-detached dwellings to the north, multiple-family dwellings to the south, and open space lands to the west containing a small pocket wetland. The subject property is also located in proximity to various community and open space uses, local schools, and commercial uses. Kingston Transit operates in proximity to the site, with Transit Route 501/502 operating along King Street West. (Exhibit C – Neighbourhood Context Map). The subject property is designated Open Space and Environmental Protection Area in the Official Plan (Exhibit D – Official Plan Map) and zoned OS2 in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map).

Provincial Policy Statement

In addition to the four tests of a minor variance detailed below, Subsection 3(5) of the *Planning Act* requires that a decision in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Policy Statement (the PPS). The PPS provides policy direction on matters of provincial interest related to land use planning and development which are complemented by local policies addressing local interests. The application being considered is site specific to accommodate a specific proposal and does not involve any major policy considerations and as such, the proposal conforms to and is consistent with the PPS.

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Minor Variance Application

The review of an application for minor variance(s) is not a simple mathematical calculation, but rather a detailed assessment of whether the variance(s) requested, both separately and together, meet the four tests of a minor variance outlined in Subsection 45(1) of the *Planning Act*. The following provides this review:

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

The subject property is designated Open Space and Environmental Protection Area in the City of Kingston Official Plan (Exhibit D – Official Plan Map).

In considering whether this proposed variances are desirable, the Committee of Adjustment will have regard to the nine requirements included in Section 9.5.19 of the Official Plan.

The proposed aggregate stations, recirculation wash bay, and stormwater swale will not have any negative impacts on abutting properties or residential uses or structures. The proposal is compatible with the surrounding residential and recreation uses and will not result in significant impacts or changes to the surrounding area. The aggregate stations, recirculation wash bay, and stormwater swale represent a reinvestment to the property that will result in a minor development on the subject property. There is no increase in density or intensity of uses. The proposed development is consistent with the intent of this policy.

Section 3.9.2 states the protection of a 30-metre naturalized buffer along a waterbody, also referred to as a "ribbon of life", can help to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems, particularly fish habitat. The buffer may also be used to screen views of development from the water, and to create natural spaces for passive recreation. In this situation, the proposed development is not anticipated to have adverse impacts on the waterbody due to the existing disturbed land, the existing screen of vegetation cover to the west/south, and the requirement of a permit from the Cataragui Region Conservation Area (CRCA) prior to construction. In support of this application, the applicant has submitted a Scoped Environmental Impact Assessment, prepared by Ecological Services, which concludes that native shrub and/or tree species should be planted in the space between the wetland and the gravel. Additional plantings would create an improved buffer, and a greater proportion of native species at the wetland boundary would improve the wetland health. As a condition of approval of the minor variance, staff are recommending as a condition of approval that the applicant be required to prepare a planting plan and complete additional plantings to create an improved buffer in the space between the wetland and the existing gravel surface. including primarily native species.

The Cataraqui Conservation Authority was circulated the minor variance application and noted that they had no concerns with the reduction of the waterbody separation distance based on natural hazards and wetland protection policies.

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The proposed aggregate stations and recirculation wash bay are anticipated to be compatible with the existing built form on the subject property, as well as compatible with all surrounding land uses. The proposed accessory outdoor storage has been located on the site so as to ensure it is sufficiently screened from neighbouring land uses and from the street. No land use compatibility concerns as outlined in Section 2.7 of the Official Plan are expected to arise resulting from approval of this application. No concerns relating to increased shadowing, intrusive overlook, increased traffic, architectural incompatibility, or any other concerns outlined in Section 2.7.3 are anticipated.

No changes are proposed to the existing parking area or entrance to the property. The subject property is not a designated property under the *Ontario Heritage Act*, nor is it within a Heritage District. No impacts to any built heritage resources are anticipated as a result of this proposal, and as such, no Heritage Impact Statement is required. Furthermore, Heritage Planning staff have identified the subject property as having not having composite potential in the area of the proposed development. Heritage Planning will not require an archeological assessment as ground disturbance is not in any sensitive areas.

The site is located inside of the Urban Boundary and is currently connected to adequate municipal water. Utilities Kingston was circulated the application proposal and have no concerns in regard to servicing capacity to the site.

The proposed variances meet the four tests of a minor variance under the *Planning Act* and the development is consistent with the existing built form along King Street West. Therefore, a zoning by-law amendment is not required.

The proposal meets the intent of the Official Plan, as the proposed aggregate stations, recirculation wash bay, and stormwater swale will not result in any undue adverse impacts to adjacent properties or to the neighbourhood.

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

The subject property is zoned OS2 in Kingston Zoning By-Law Number 2022-62 (Exhibit E – Zoning By-Law Map). The OS2 zone permits a Golf Course use and it's associated accessory maintenance buildings or structures.

The proposal requires variances to Section 4.23.1 of the Kingston Zoning By-Law as follows:

Variance Number 1:

By-Law Number 2022-62:Section 4.23.1 Waterbody Separation Distance (aggregate stations, recirculation wash bay

Requirement: 30 Metres Proposed: 10 Metres

Variance Requested: 20 Metres

Variance Number 2:

By-Law Number 2022-62:Section 4.23.1 Waterbody Separation Distance (stormwater swale)

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Requirement: 30 Metres Proposed: 7 Metres

Variance Requested: 23 Metres

The purpose of the 30 metre separation distance from the high water mark is to maintain the "ribbon of life". The protection of a 30 metre naturalized buffer along a waterbody, also referred to as a "ribbon of life", can help to enhance water quality, minimize soil erosion, provide plant and animal habitat, establish connectivity and wildlife corridors, and contribute to the overall health of shoreline ecosystems, particularly fish habitat. The buffer may also be used to screen views of development from the water, and to create natural spaces for passive recreation.

The proposed aggregate stations, recirculation wash bay, and stormwater swale are not anticipated to have adverse impacts on the waterbody due to their location within the extent of the existing disturbed land, the existing screen of vegetation cover to the west/south, and the requirement of a permit from the Cataraqui Region Conservation Area (CRCA). As previously noted, the submitted Environmental Impact Assessment recommended that native shrub and/or tree species should be planted in the space between the wetland and the gravel. As a condition of approval of the minor variance, staff are recommending that the applicant be required to prepare a planting plan and complete additional plantings to create an improved buffer in the space between the wetland and the existing gravel surface, including primarily native species.

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

3) The variance is minor in nature

The proposed aggregate stations, recirculation wash bay and stormwater management swale will result in a development that is consistent with the long-established built form of maintenance buildings on the property. The proposed works are located within the front yard and will not result in intrusive overlook with respect to adjacent residential properties elsewhere on the subject lands. The minimum interior yard setbacks will be exceeded between the western lot lines and mature tree growth on the western property will screen the new development from the existing residential subdivision. The proposed aggregate stations, recirculation wash bay and stormwater swale will provide the existing golf course use with additional maintenance working space. The variances will not alter the character of the neighbourhood or the existing streetscape.

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

The proposed development will provide additional functional needs for the existing golf course use. The built form of the maintenance area is long established. Thus, the overall type of use and scale of activity as proposed is consistent with the existing built form of the golf course use along King Street West. The resulting built form satisfies all applicable provisions of the zoning by-law, except for the minimum waterbody separation distance. The proposal does not involve a significant alteration to the existing built form on the site and will not cause any adverse impacts on adjacent properties. The proposal is appropriate and compatible with the surrounding

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residential, institutional, recreational uses and will not result in significant impacts or changes to the surrounding area. The variances are desirable and appropriate use of the land.

Technical Review: Circulated Departments and Agencies

\boxtimes	Building Services	\boxtimes	Engineering	\boxtimes	Heritage Services
	Finance	\boxtimes	Utilities Kingston		Real Estate
	Fire & Rescue	\boxtimes	Kingston Hydro	\boxtimes	Environment Division
	Solid Waste	\boxtimes	Parks Development		Canadian National Railways
	Housing	\boxtimes	District Councillor		Ministry of Transportation
	KEDCO		Municipal Drainage		Parks of the St. Lawrence
\boxtimes	CRCA		KFL&A Health Unit		Trans Northern Pipelines
	Parks Canada		Eastern Ontario Power		CFB Kingston
	Hydro One		Enbridge Pipelines		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, no public comments received after the publishing of this report will be included as an addendum to the Committee of Adjustment Agenda.

Previous or Concurrent Applications

The property is subject to a concurrent application for Site Plan Control pre-application (City File Number D02-007-2023). The approval of a Site Plan Control modification will be required in advance of Building Permit issuance, through which technical considerations such as stormwater management, tree removals, and grading will be reviewed in further detail.

Conclusion

The requested variances maintains the general intent and purpose of both the City of Kingston Official Plan and Kingston Zoning By-Law Number 2022-62. The proposal is desirable for the appropriate development or use of the land, building or structure and the requested variances are minor in nature. As such, the proposed application meets all four tests under Subsection 45(1) of the *Planning Act* and the application is being recommended for approval, subject to the proposed conditions.

Approval of this application will permit the construction of two new aggregate stations, a recirculation wash bay, and a stormwater swale within the front yard of the subject property. The

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proposal will improve the function of the existing golf course use on the site and represents good land use planning.

Existing Policy/By-Law:

The proposed application was reviewed against the policies of the Province of Ontario and City of Kingston to ensure that the changes would be consistent with the Province's and the City's vision of development. The following documents were assessed:

Provincial

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Kingston Zoning By-Law Number 2022-62

Notice Provisions:

A Committee of Adjustment Meeting is going to be held respecting this application on April 15, 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 10 days in advance of the meeting. In addition, notices were sent by mail to a total number of 128 property owners (according to the latest Assessment Roll) within 60 metres of the subject property and a courtesy notice was placed in The Kingston Whig-Standard (Exhibit H – Public Notification Map).

Once a decision has been rendered by the Committee of Adjustment, a Notice of Decision will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Jason Partridge Planner, 613-546-4291 extension 3216

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Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A Recommended Conditions

Exhibit B Key Map

Exhibit C Neighbourhood Context Map (2023)

Exhibit D Official Plan Map

Exhibit E Zoning By-Law Map

Exhibit F Site Plan

Exhibit G Site Photos

Exhibit H Public Notification Map

Recommended Conditions

The approval of minor variance application, File Number D13-013-2024, to reduce the minimum waterbody separation distance to facilitate the development of two aggregate stations, a recirculation wash bay, and a stormwater swale, shall be subject to the following recommended conditions:

1. Limitation

That the approved variances apply only to the two aggregate stations, recirculation wash bay, and stormwater swale as shown on the drawing attached to this decision.

2. No Adverse Impacts

The owner/applicant shall demonstrate to the satisfaction of the City that there are no adverse impacts on neighbouring properties as a result of any modifications to on-site grading or drainage.

3. Building Permit Application Requirements

The owner/applicant shall provide to the Building Services a copy of the decision of the Committee of Adjustment, together with a copy of the approved drawings, when they make application for a Building Permit.

The drawings submitted with the Building Permit application must, in the opinion of the City, conform to the general intent and description of the approved drawing(s), including any amendments and conditions approved by the Committee of Adjustment, as stated in the decision. It must be noted that additional planning approvals may be required should further zoning deficiencies be identified through the Building Permit application process.

4. Standard Archeological Condition

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

In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Office of the Chief Coroner as a part of the Ontario Ministry of the Solicitor General (1-877-9919959), 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. Planting Plan

In accordance with the recommendations of the Scoped Environmental Impact Assessment, prepared by Ecological Services, dated, January 26, 2024, the owner

Exhibit A Report Number COA-24-035

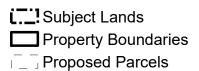
shall prepare a planting plan of native species to be planted in the space between the wetland and the extent of existing gravel on the subject property, to be approved by Planning staff prior to building permit issuance.

Exhibit B Report Number COA-24-035 Committee of Adjustment **Key Map** Bath Rd KINGSTON Address: 32 Country Club Drive File Number: D13-013-2024 **Planning** Front Rd Prepared On: Mar-08-2024 **Services** Lands Subject to Minor Variance Tueen Mary Pd Holland Cr 450 0000 204 Mulcaster St 66 165 153 5 Miles Ave Richardson Di 234 Dedric Ross 200 CampbellCres 58 Silver St Mack atts Cres Johnson St Newcourt PI 62 220 44 90 urtis Cres≣Calderwoo COI DWA Foster St Mary St 100 Baiden St 1031 Front Rd King St W 730 920 1000 1066 1032 180 270 90 → Metres Prepared By: Ichu Prepared On: Mar-08-2024 1:9,500 1026

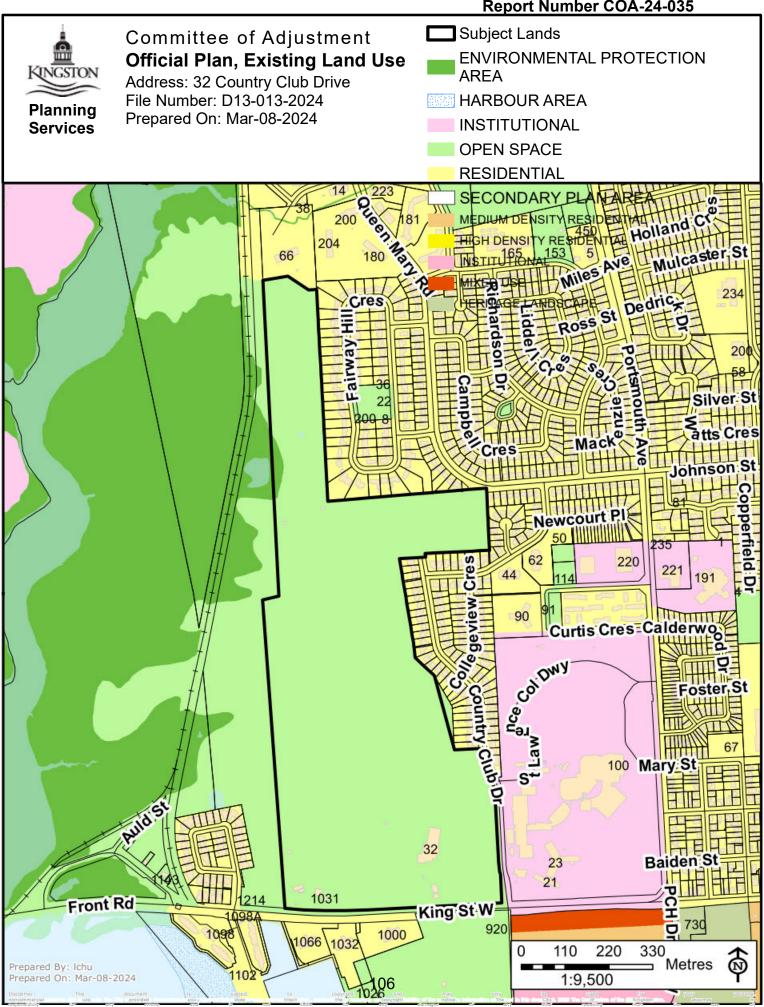


Committee of Adjustment **Neighbourhood Context**

Address: 32 Country Club Drive File Number: D13-013-2024 Prepared On: Mar-08-2024









Planning Committee

Existing Zoning Kingston Zoning By-Law 2022-62

Planning Services

Address: 32 Country Club Drive File Number: D13-013-2024 Prepared On: Mar-08-2024 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

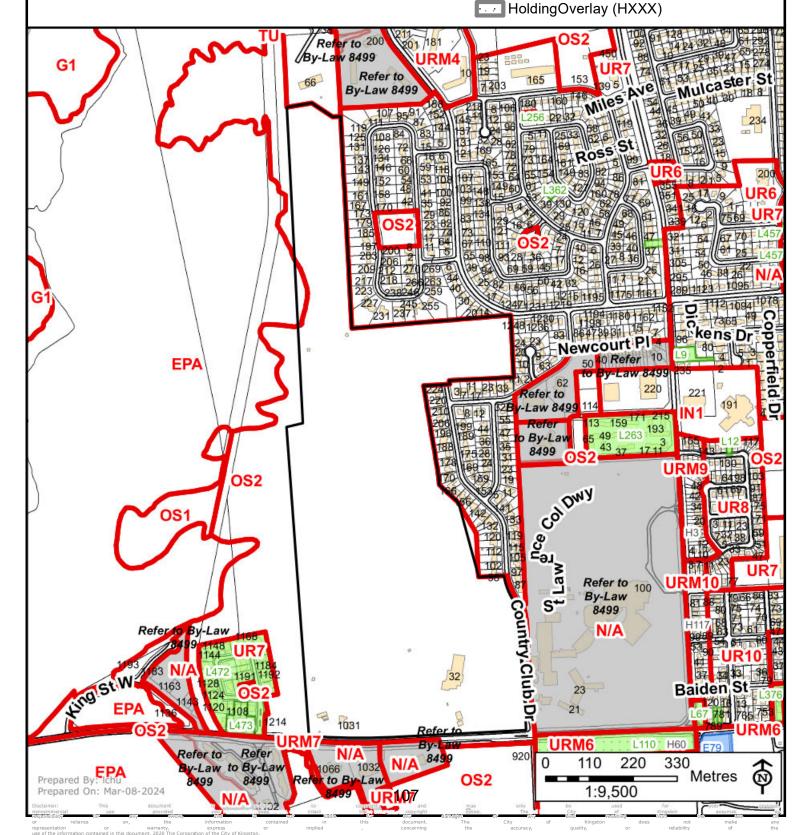


Exhibit F Report Number COA-24-035





32 Country Club Drive-March 15, 2024

(West facing view of the proposed location of development)



Committee of Adjustment

Public Notice Notification Map

Address: 32 Country Club Drive File Number: D13-013-2024 Prepared On: Mar-08-2024

60m Public Notification Boundary

Subject Lands

Property Boundaries

Proposed Parcels

128 Properties in Receipt of Notice (MPAC)

