



**City of Kingston
Report to Planning Committee
Report Number PC-16-019**

To: Chair and Members of Planning Committee
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Paige Agnew, Director of Planning, Building & Licensing Services
Date of Meeting: January 7, 2016
Subject: Comprehensive Report
Application for Zoning By-Law Amendment
Cataraqi Woods Drive, Block B, Lyndenwood Subdivision –
Phase 5 (Temporary address: 1071 Sydenham Road)
File Number D14-107-2015
Agent – Fotenn Consultants Inc.
Applicant/Owner – CaraCo Development Corp.

Executive Summary:

This is a comprehensive report to recommend approval to the Planning Committee regarding an application for a zoning by-law amendment with respect to a parcel of land located near the future south west corner of Cataraqi Woods Drive (not yet built) and Sydenham Road; the temporary civic address is 1071 Sydenham Road. The subject site is considered Block B of the draft approved Lyndenwood Subdivision Phase 5. It is approximately 1.59 hectares in size and is currently vacant.

The applicant, CaraCo Development Corporation, is requesting permission to rezone the subject parcel to permit the possible development of a hospice facility or retirement home with space for administration and programming or a pharmacy use. An amendment to the zoning by-law is requested to add retirement home, hospice facility and pharmacy/drugstore uses to the list of permitted uses. A definition of the hospice facility and the pharmacy/drugstore uses will also be included. The recommended zone is site-specific in order to tailor the range of uses that are guided by the policies of the 'Commercial' land use designation in the Cataraqi North Neighbourhood Secondary Plan, which forms part of the Official Plan.

January 7, 2016

Page 2 of 9

Recommendation:

That the application for zoning by-law amendment (File Number D14-107-2015) owned by CaraCo Development Corporation, for the property located at 1071 Sydenham Road, be approved; and

That the Council of The Corporation of the City of Kingston hereby enacts the amendments to By-Law Number 97-102, as amended, of the City of Kingston (Exhibit A - Draft By-Law and Schedule 'A' to amend Zoning By-Law Number 97-102) to Report Number PC-16-019; 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.

January 7, 2016

Page 3 of 9

Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER
Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER
Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Cynthia Beach, Corporate & Strategic Initiatives	Not required
Denis Leger, Transportation, Facilities & Emergency Services	Not required
Jim Keech, President and CEO, Utilities Kingston	Not required
Desiree Kennedy, Chief Financial Officer & City Treasurer	Not required

January 7, 2016

Page 4 of 9

Options/Discussion:

On January 19, 2015, an application for a zoning by-law amendment was submitted by IBI Group on behalf of Hospice Kingston Incorporated and property owners, CaraCo Development Corporation, to permit the construction of an 1,879 square metre hospice facility with space for administration, programming and future ancillary commercial uses, such as a pharmacy.

On January 30, 2015 the zoning by-law amendment application was deemed complete, in accordance with the *Planning Act*. A Public Meeting with respect to this application was held on April 16, 2015.

On July 23, 2015, Hospice Kingston (and their agent, the IBI Group) formally withdrew as the applicant of record for this file. The property owner, CaraCo Development Corporation, has requested that the application proceed as submitted and that FOTENN Consultants Incorporated be appointed as their agent.

Application

The applicant/owner is proposing to amend the zoning by-law to add retirement home, hospice facility and pharmacy/drugstore uses to the list of permitted uses in the existing MU2 zone category.

There are no specific design plans (elevations, site plans, etc.) prepared for the proposed development of this site at present. However, potential land use impacts from a new hospice facility/retirement home, in accordance with Hospice Kingston's conceptual designs, have been evaluated through this review process. In support of the application, the applicant submitted a letter from FOTENN Consultants; a Zoning Justification report, Acoustical Report, and Servicing Brief Report, prepared by IBI Group. In summary, the proposal was found to be compatible with the proposed surrounding land uses and consistent with the relevant provincial and local policy framework.

Site Characteristics

The subject site is approximately 1.59 hectares in area and is located just to the west of Sydenham Road, on the south side of the future extension of Cataraqi Woods Drive (Exhibit B - Key Map). Frontage will be provided via Cataraqi Woods Drive. The subject site is known as Block B of the draft approved Lyndenwood Subdivision Phase 5 (File Number D12-005-2013), with a temporary civic address of 1071 Sydenham Road. It is located north of Crossfield Avenue and south of Eunice Drive and approximately 800 metres south of the Macdonald-Cartier Freeway in the Cataraqi North neighbourhood.

The subject parcel is currently vacant and is subject to an easement in favour of Hydro One, in order to allow access to their property immediately to the south. The draft approved Lyndenwood Subdivision Phase 5 (currently vacant) proposes open space uses including a stormwater management facility to the north, and medium density residential uses to the west of the site. Immediately to the east of the subject site are commercial uses fronting onto Sydenham Road, including Bayridge Lawns & Landscaping Inc. and New Holland Agriculture (Exhibit C – Aerial Imagery).

January 7, 2016

Page 5 of 9

Provincial Policy Statement

The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development, which are complemented by local policies addressing local interests. The proposal is consistent with the Provincial Policy Statement with respect to the following:

- Promoting efficient development and land use patterns, which sustain the financial well-being of the province and municipalities over the long term (Section 1.1.1.a). The broadening of the types of permitted uses on this site will provide greater flexibility and more options for those looking to invest in and develop the area;
- Accommodating an appropriate range and mix of residential (including second units, 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 (Section 1.1.1.b). The proposed zoning amendment will allow for a greater range of compatible uses on this site, including residential, institutional and commercial uses; and
- Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs (Section 1.1.1.e). This is intended for a mix of uses and will be serviced in conjunction with the development of the Lyndenwood Subdivision;

Official Plan

The subject site is designated 'Commercial' in the Cataraqui North Neighbourhood Secondary Plan, which forms part of the City of Kingston Official Plan (Exhibit D – Existing Official Plan designation).

The subject parcel is vacant and is within a Housing District in the Official Plan. Housing Districts are generally planned to remain stable, but it is stated that they will continue to mature and adapt as the City evolves (Section 2.2.5). Re-investment and upgrading are encouraged through development that compatibly integrates with the prevailing built form found in the neighbourhood.

The Cataraqui North Neighbourhood Secondary Plan separates the Commercial designation into sub-categories (Section 10C.4.1). The site is located within the 'Mixed Use' commercial sub-category, which permits retail and service commercial uses, and entertainment, recreational, cultural and office uses that are intended to serve local and area residents (Section 10C.4.23). Section 10C.4.25d encourages combining retail, service, office and residential uses on individual sites, provided the overall mixed use character of the area is retained. A pharmacy/drugstore is considered a type of retail commercial use.

In addition to the various forms of commercial uses, certain institutional uses are also permitted in all designations, except Environmental Protection Areas, in the Cataraqui North Neighbourhood Secondary Plan, subject to a number of criteria. Section 10C.2.4 outlines five development criteria for assessing the appropriateness of institutional uses in this area.

January 7, 2016

Page 6 of 9

Permitted institutional uses shall include churches, community centres, nursing homes, secondary schools and other similar uses. While hospice facility and retirement home are not specifically noted, the description of the institutional use 'extended care complexes' (Section 3.5.1c) includes resident accommodation, care and nursing facilities, therapy areas, kitchen and dining facilities, offices, meeting rooms, recreation facilities, pharmacy, and open space areas. A hospice facility and retirement home are consistent with this description and are considered institutional uses in the Official Plan.

The Official Plan requires that new institutional uses should be located within easy walking distance of public transit routes and have convenient access to an arterial or collector road. Currently public transit is provided on Princess Street to the south, as well as on Anderson Street, Crossfield Avenue, Centennial and Cataraqui Woods Drive to the west. Sydenham Road is an Arterial road and Cataraqui Woods Drive (once complete) will be a Collector road. The parcel does not require the use of a local street for access.

The proposed development is also subject to the Land Use Compatibility Principles of the Plan under Section 2.7. Section 2.7.3 identifies potential adverse effects such as shadowing; intrusive overlook and loss of privacy and enjoyment; noise, dust or odour concerns; increase traffic or possible environmental impacts; and incompatibility with streetscape, architecture and cultural heritage resources in the area. The applicant is not seeking relief from any zone provisions such as increased height, reduced setbacks, or parking reductions, only the addition of three additional uses that are contemplated in the Official Plan for land in this designation. The development of this site will be subject to site plan control should the application be approved. As such, additional supporting information will be required when the applicant is ready to submit for the site plan control application in order to ensure compatibility of the proposed future use.

The proposed development is consistent with the general purpose and intent of the Official Plan and an amendment to the Official Plan is not required.

Zoning By-Law

The subject parcel is zoned Mixed-Use 2 (MU2) in the Cataraqui North Zoning By-Law Number 97-102, as amended (Exhibit E – Existing Zoning). The uses permitted in the MU2 Zone include apartment and multiple unit dwellings above the first storey, business offices, clinics, commercial fitness centres, commercial schools, community halls, convenience retail stores, dry cleaning or laundry outlets, personal service shops and, private clubs, recreational uses, private schools, repair shops, retail stores, hotels, restaurants (including take out), places of worship, day nurseries, financial institutions, gas bars and supermarkets.

As the proposed uses are not listed as permitted uses in the 'MU2' Zone, an amendment is required to add hospice facility, retirement home and pharmacy/drugstore uses to the MU2 Zone in the form of a site-specific Mixed-Use 2 Exception (MU2*22) Zone category. Further, the Cataraqui North Zoning By-Law does not define a 'hospice facility' or a 'pharmacy/drugstore' use. In order to clarify the intended uses, definitions will be included for both a hospice facility and pharmacy/drugstore use in the proposed MU2*22 Zone.

January 7, 2016

Page 7 of 9

The current MU2 Zone is subject to a Holding (H) provision. The proposed MU2*22 Zone will continue to be subject to the Holding provision. Final approval of the subdivision agreement and construction of the necessary infrastructure (such as underground services, road and stormwater management facilities) are required prior to removal of the Holding (H) symbol. Removal of the Holding provision will be the subject of a future application.

The zoning justification report, prepared by IBI Group and endorsed by FOTENN Consultants, concluded, based on their analysis of the area, pertinent provincial and local policies, and technical reports, that the zoning amendment application “is appropriate, represents good planning, and is in the public interest.”

Site Plan Control

In accordance with By-Law Number 2010-217, Site Plan Control will be required for the proposed development of this parcel. Prior to any development, site plan control will ensure proper buffering, grading, landscaping and urban design requirements are met and secured.

Technical Analysis:

The Servicing Brief, prepared by IBI Group, concluded that the subject parcel will be adequately serviced by the future Lyndenwood Subdivision including storm and sanitary sewers and water supply.

The Acoustical Report, prepared by IBI Group, concluded that the development can be designed to appropriately address impacts from traffic and stationary noise.

The zoning by-law amendment application was circulated to external agencies and internal departments for review and comment. No objections to the proposed application were received.

Public Comments

There was one oral submission made at the Public Meeting on April 16, 2015 by a neighbouring resident who requested clarification as to whether the water and sewer services would be extended up Sydenham Road.

Response: All servicing infrastructure is to be provided via the Cataraqui Woods Drive road allowance.

No written public comments were received by staff to date regarding this application.

Previous & Current Applications

2013 – A draft plan of subdivision (D12-005-2013) was conditionally approved for the Lyndenwood Subdivision Phase 5.

Conclusion

In conclusion, the Planning Division recommends approval of the application for zoning by-law amendment for the subject parcel.

The requested amendment conforms to the general intent and policies of the Official Plan and is consistent with the Provincial Policy Statement. The proposed additional uses to the MU2 Zone

January 7, 2016

Page 8 of 9

are consistent with the Cataraqui North Neighbourhood Secondary Plan, and allow additional compatible options for the future use of this block.

Existing Policy/By-Law:

The proposed amendment was reviewed against the policies of the Province of Ontario and policies, by-laws and studies of the City of Kingston to ensure that the proposed amendment is consistent with the Province's and the City's vision for development. The following documents were assessed:

Provincial

Planning Act

Provincial Policy Statement, 2014

Municipal

City of Kingston Official Plan

Zoning By-Law Number 97-102

Notice Provisions:

A public meeting was held respecting this application on April 16, 2015. Pursuant to the requirements of the *Planning Act*, a notice of the statutory Public Meeting was provided by advertisement in the form of signs posted on the subject lands 20 days in advance of the Public Meeting. In addition, notice was sent by mail to 140 property owners (according to the latest Assessment Rolls) within 120 metres of the subject lands and a courtesy notice was placed in *The Kingston Whig-Standard*.

Notice of this Planning Committee Meeting was sent to all individuals who made an oral or written submission, or have requested notification in writing requesting notice. If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

Accessibility Considerations:

Not applicable

Financial Considerations:

Not applicable

January 7, 2016

Page 9 of 9

Contacts:

Paige Agnew, Director, Planning, Building & Licensing Services 613-546-4291 extension 3252

Stacey Forfar, Manager, Development Approvals 613-546-4291 extension 3253

Ryan Leary, Senior Planner, 613-546-4291 extension 3233

Other City of Kingston Staff Consulted:

The application was circulated to the relevant internal departments and external agencies for review and comment. All concerns have been resolved through the technical review process.

Exhibits Attached:

Exhibit A Draft By-Law and Schedule 'A' to amend Zoning By-Law Number 97-102

Exhibit B Key Map

Exhibit C Aerial Imagery 2015

Exhibit D Existing Official Plan Designation

Exhibit E Existing Zoning

By-Law Number 2016-XX**A By-Law to Amend By-Law Number 97-102, “Cataraqui North Zoning By-Law”
(Zone Change from MU2-H to MU2*22-H)****Passed:** Meeting date, 2016

Whereas by Order of the Minister of Municipal Affairs and Housing, The Corporation of the Township of Kingston, The Corporation of the Township of Pittsburgh and The Corporation of the City of Kingston were amalgamated on January 1, 1998 to form The Corporation of the City of Kingston as the successor municipal Corporation and pursuant to the Minister’s Order, any by-laws of the former municipality passed under the *Planning Act* continue as the by-laws covering the area of the former municipality now forming part of the new City;

And Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 97-102, as amended, of the former Township of Kingston;

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

1. By-Law Number 97-102 of The Corporation of the City of Kingston, entitled “Cataraqui North Zoning By-Law”, as amended, is hereby further amended as follows:
 - 1.1. Map 1 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from MU2-H to MU2*22-H, as shown on Schedule “A” attached to and forming part of By-Law Number 2016-____.
 - 1.2. By **Adding** a new subsection 7.22 thereto as follows:

“7.22 MU2*22 (Cataraqui Woods Drive)

Notwithstanding the provisions of this By-law hereof to the contrary, the lands designated ‘MU2*22’ on Schedule ‘A’ hereto, shall be used and developed in accordance with the following provisions:

- (a) In addition to the uses permitted in the ‘MU2’ Zone, the permitted uses shall also include: Hospice Facility; Retirement Home; and Pharmacy/Drugstore.
- (b) For the purposes of MU2*22 Zone, a Hospice Facility shall be defined as: an establishment, where end of life care is provided consistent with the needs of the residents. Such establishment may include offices, facilities for therapy or medical treatment, and uses incidental, accessory and supportive of the hospice use.
- (c) For the purposes of the MU2*22 Zone, a Pharmacy/Drugstore shall be defined as: an establishment where prescription drugs are dispensed,

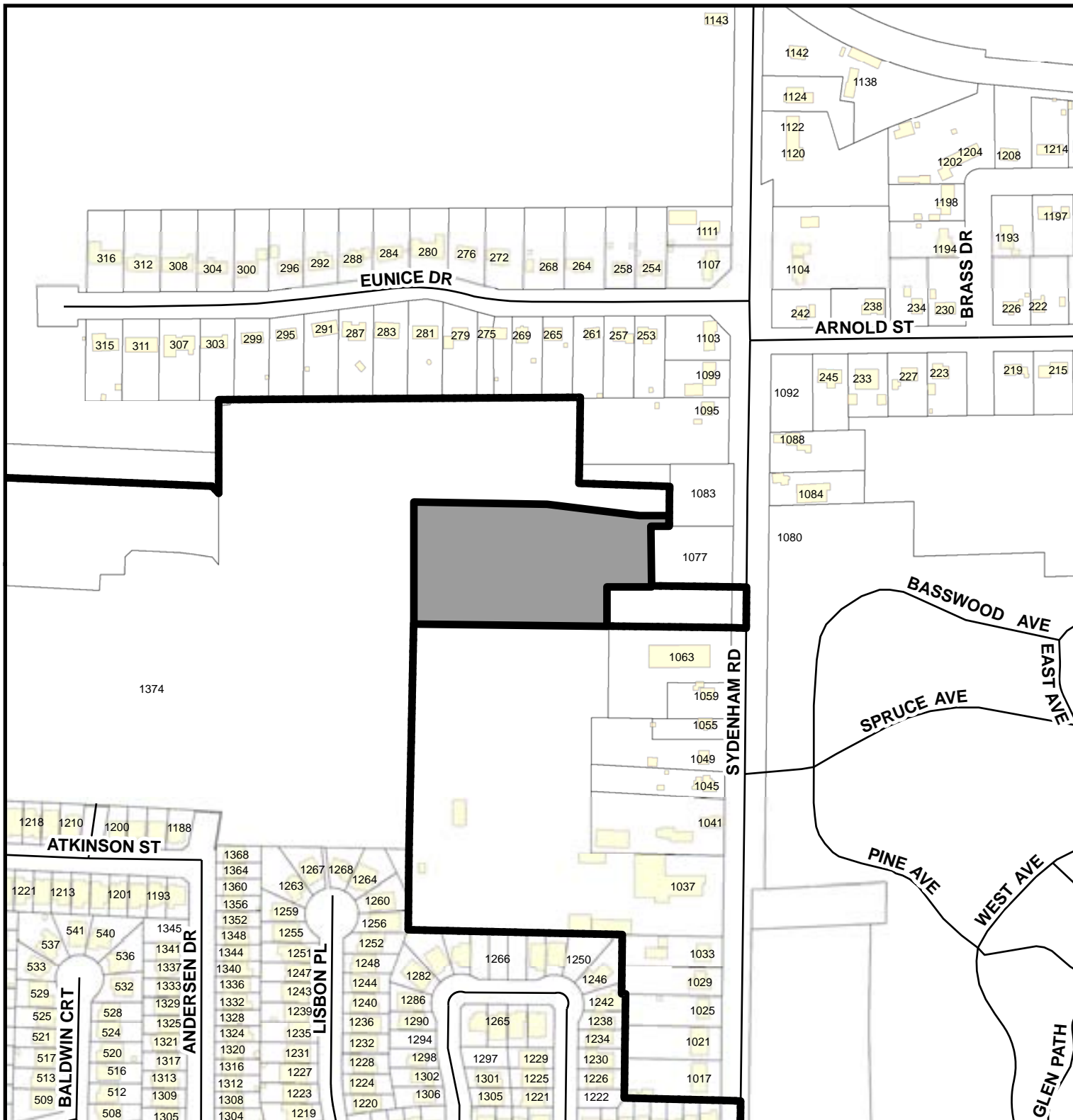
medical devices and supplies and non-prescription medicines are sold, and where non-medical products may also be sold."

2. This by-law shall come into force and take effect on the day it is passed subject to and in accordance with the provisions of the Planning Act, R.S.O. 1990, c. P. 13 as amended from time to time.

Given all Three Readings and Passed: Meeting date, 2016

John Bolognone
City Clerk

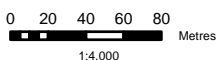
Bryan Paterson
Mayor



Planning, Building & Licensing Services
a department of Community Services

SCHEDULE 'A' TO BY-LAW NUMBER

Applicant: Caraco Development Corp.
File Number: D14-107-2015
Address: 1071 Sydenham Road
Legal Description: KINGSTON CON 3 PT LOTS 14;AND 15 RP 13R20217 PARTS 2;TO 5 PT PART 1 RP 3R20685;PART 4



PREPARED BY: J.Partridge
DATE: 12/7/2015



LEGEND

Reference By-Law 97-102, Map 1

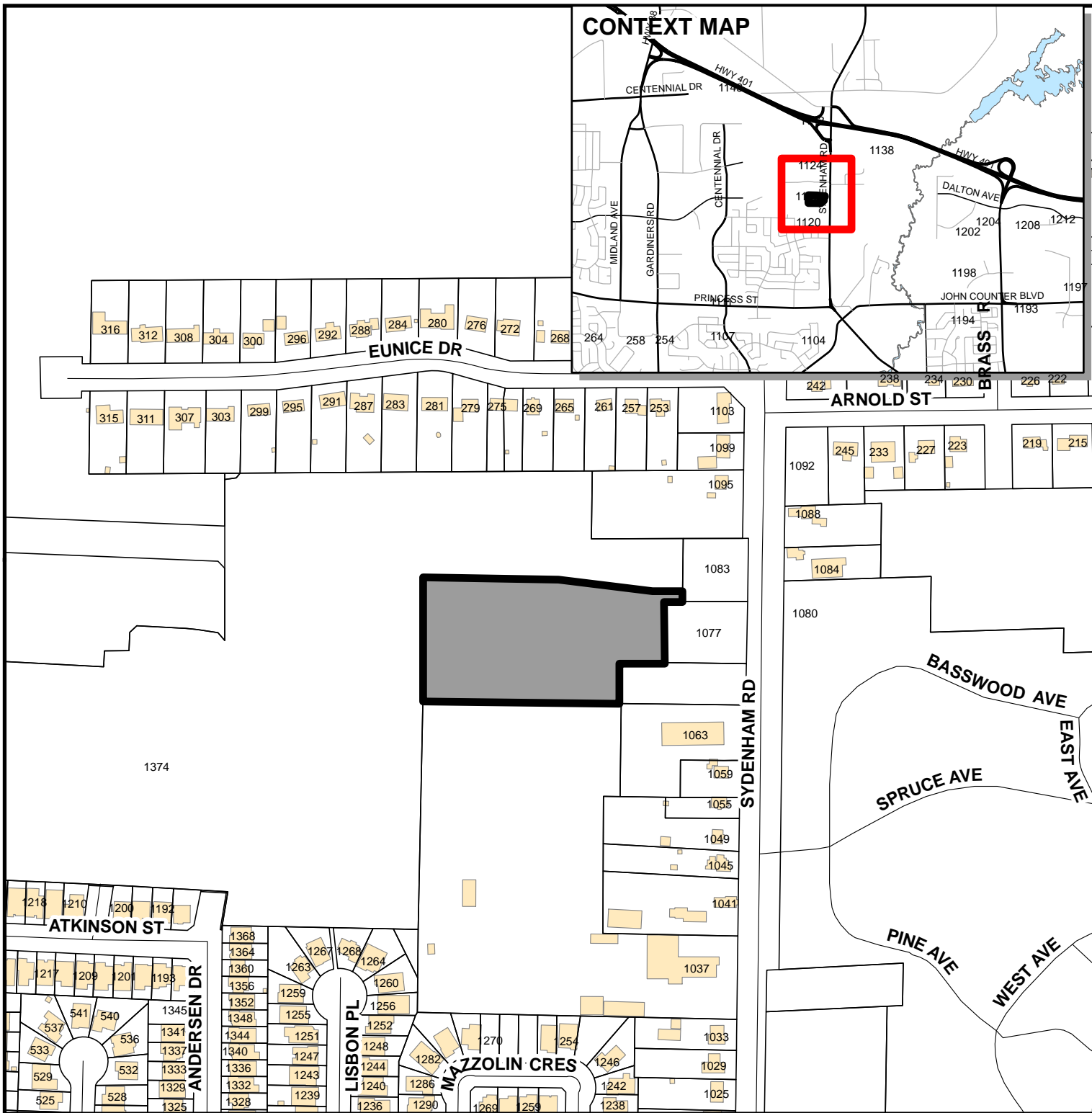
Rezoned from MU2-H to MU2*22-H

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2016.

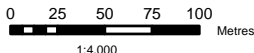
Mayor

Clerk



PLANNING COMMITTEE
KEY MAP

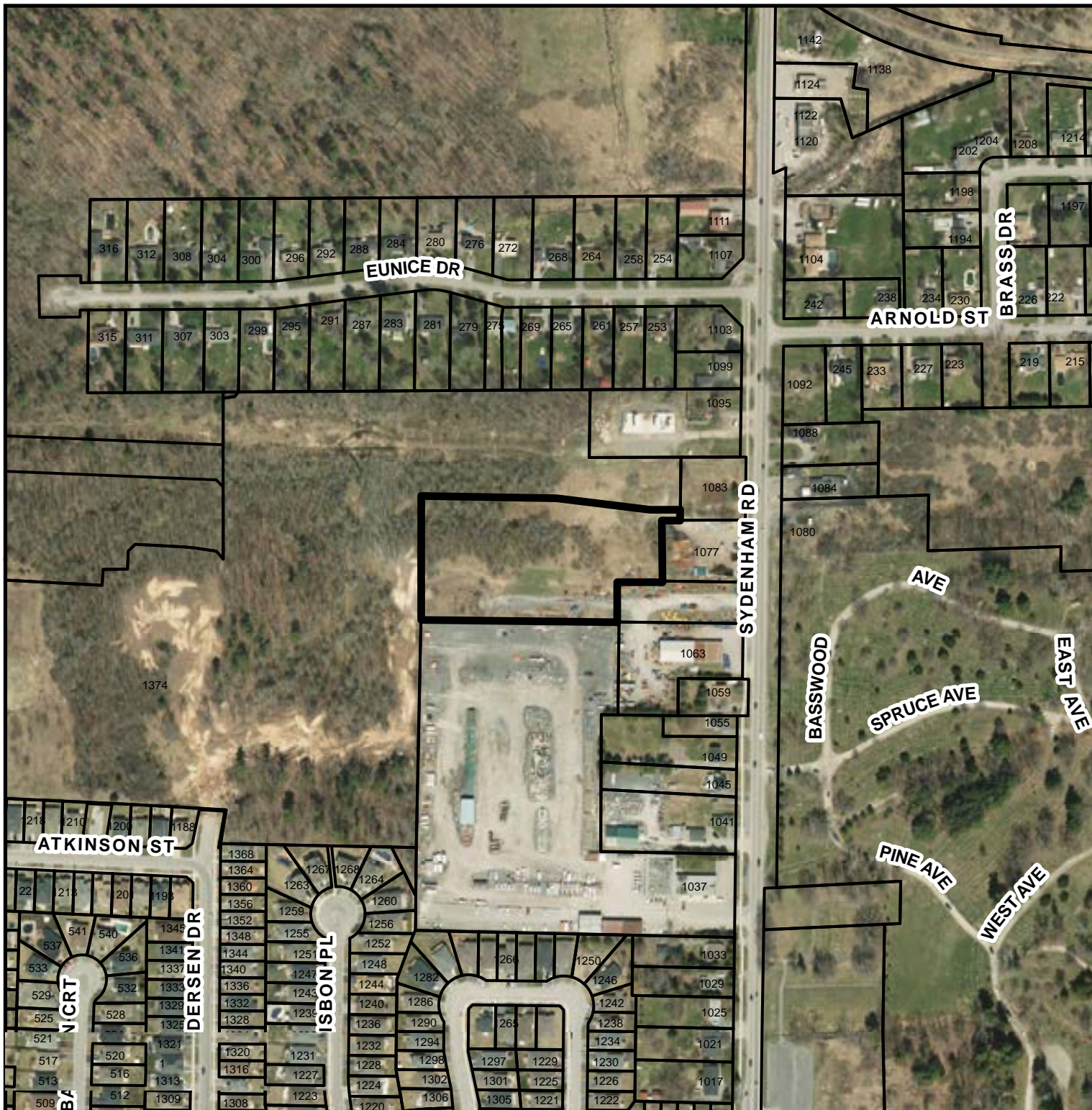
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 File Number: D14-107-2015
 Address: 1071 Sydenham Road
 Legal Description: KINGSTON CON 3 PT LOTS 14;AND 15
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LEGEND

- Subject Property
- Property Boundaries

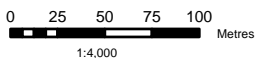






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a department of
Community Services

PLANNING COMMITTEE
AERIAL IMAGERY (2015)

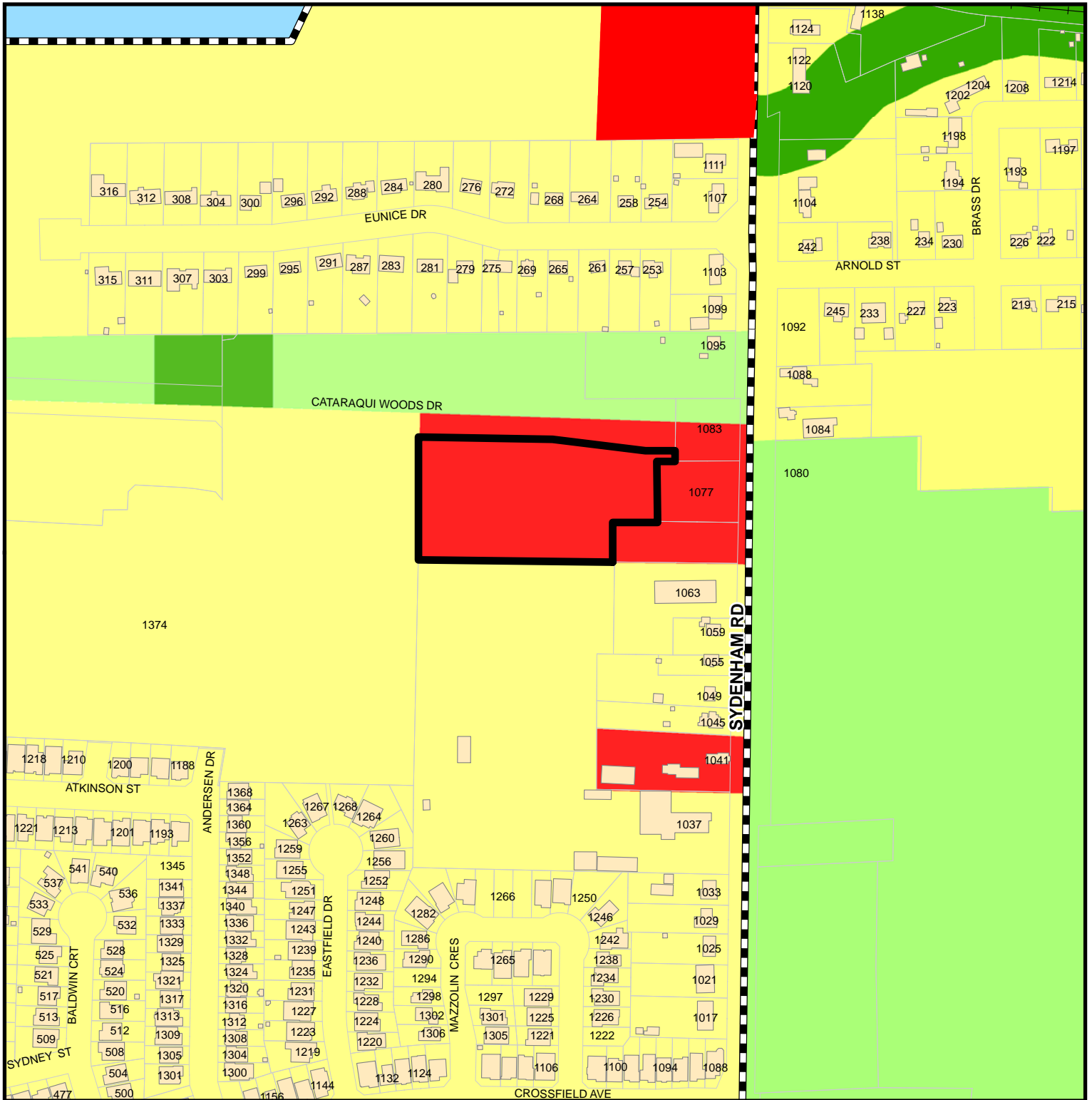
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LEGEND

-  Subject Property
-  Property Boundaries

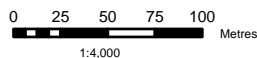




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PLANNING COMMITTEE
OFFICIAL PLAN, Existing Land Use

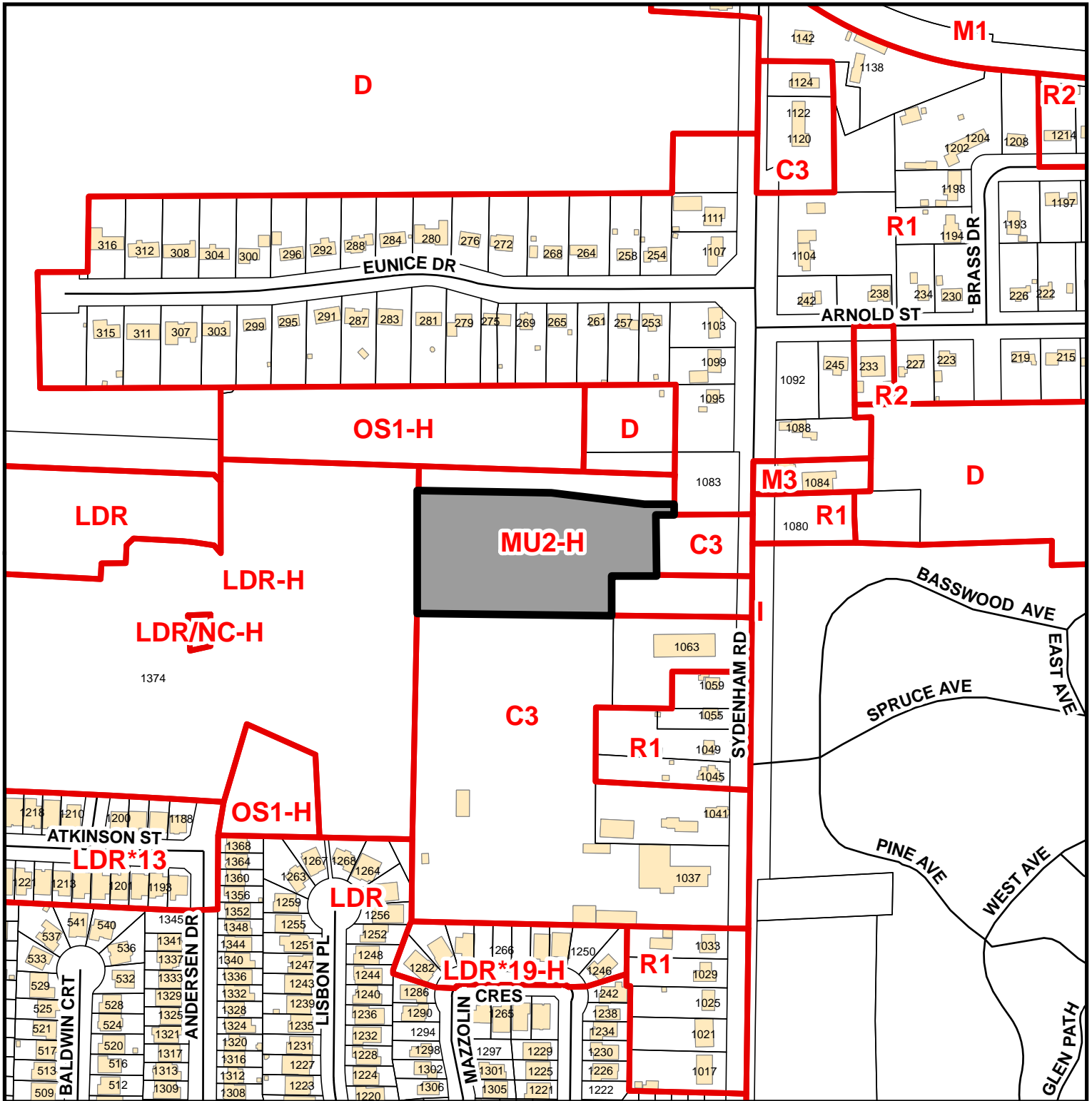
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LEGEND

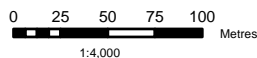
- Subject Property
- Commercial
- EPA
- Open Space
- Residential
- General Industrial
- Area To Which This Schedule Applies





PLANNING COMMITTEE
ZONING BY-LAW 97-102, Map 1

Applicant: Caraco Development Corp.
 File Number: D14-107-2015
 Address: 1071 Sydenham Road
 Legal Description: KINGSTON CON 3 PT LOTS 14;AND 15
 RP 13R20217 PARTS 2;TO 5 PT PART 1 RP 3R20685;PART 4



LEGEND

- Subject Property
- Consolidated Zoning
- Property Boundaries