The City of Kingston’s Official Plan identifies the Clogg’s Road area as a business district, intended to accommodate employment uses. This area is bounded by Highway 401 to the north, Gardiners Road to the east, Creekford Road to the south and Collins Creek to the west. Approximately 92% of the land within the study area is owned by the City of Kingston and the lands are designated Business Park Industrial in the Official Plan.

The purpose of this report is to provide an update on the Clogg’s Road Area Secondary Planning process, including a review of the draft concept plan, a review of existing Official Plan policies and zoning, and a summary of comments from a public open house held on May 29, 2018. The report also outlines the next steps in the process, which include the completion of additional technical studies and the preparation of a draft plan of subdivision.

Recommendation:

This report is for information purposes only.
August 30, 2018

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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:

Jim Keech, President & CEO, Utilities Kingston Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer Not required
Denis Leger, Commissioner, Corporate & Emergency Services Not required
Options/Discussion:

The purpose of this information report is to provide an update on the Clogg's Road Area Secondary Plan and outline the next steps in the process. The City of Kingston’s Official Plan identifies the Clogg’s Road area as a business district, intended to accommodate employment uses. A secondary plan is required to understand opportunities and address issues related to its future land use before moving ahead with any type of development.

Study Area
The Clogg’s Road area is located south of Highway 401, west of Gardiners Road, north of Creekford Road and east of Collins Creek (Exhibit A). It includes some existing residential homes, industrial uses and natural environmental features, as well as a great deal of vacant land. The study area is approximately 60.5 hectares (149.5 acres) in size, and 92% is owned by the City of Kingston. The majority of the lands in the study area are designated Business Park Industrial in the Official Plan (Exhibit B).

Background
The Clogg’s Road area is an important component of the City’s future employment lands supply. As part of the 2017 Official Plan Update, a technical brief was prepared regarding the urban boundary. The technical brief noted that by 2036, there would be a small deficit of approximately 24 hectares (59.3 acres) of employment land. The City’s Employment Lands Strategy (2015) recommended that the Clogg’s Road area be designated for industrial use, which was done as part of the 2017 Official Plan Update, and that the secondary planning process be completed in the short-term, so that servicing of the area could proceed in the medium term. The Employment Land Strategy (ELS) used a timeframe of five to 10 years for the medium term.

The ELS also recommended that the eastern half 33 hectares (81.5 acres) of the Cataraqui Estates Business Park be serviced by 2021. This seems unlikely at this point, as these lands are privately owned, which further underlines the need to proceed in a timely manner with the development of the Clogg’s Road area in order to maintain a reasonable supply of serviced employment lands. Currently, the City has approximately 11.64 hectares (28.75 acres) of sales in progress, with most of these going through the Site Plan Control process. Out of 11.64 hectares (28.75 acres), approximately 8.46 hectares (20.9 acres) are anticipated to be closed in 2018. In addition, the City has already closed one sale this year (0.5 acres) and is negotiating the sale of another 0.69 hectares (1.7 acres). Approximately 12.32 hectares (30.45 acres) are currently tied up in the land sales and development process. In 2017, the City closed 24.28 hectares (60 acres) of land sales.

Funds have already been allocated through the capital budget to complete the technical studies and plans associated with the Draft Plan of Subdivision and other required planning approvals for the Clogg’s Road area.

Proposal and Draft Concept Plan
A public open house was held on May 29, 2018 in order to introduce the project to the community and offer an initial opportunity for people to provide comments on the proposed future uses for the area. As part of the public open house, staff prepared a draft concept plan for
the study area, which is attached as Exhibit C to this report. Please note, the study area boundary in the draft concept plan has been refined to follow the property lines of those lands subject to the secondary planning process, as opposed to the more general shape of the study area as originally shown in the Official Plan and illustrated in Exhibits A and B.

The draft concept plan illustrates the potential location of the employment lands, lands for complementary commercial uses and a green buffer along an existing treed ridge. The draft concept plan shows the existing residential lots as being maintained as part of the plan for the area. There are also additional City-owned lands along the northern portion of Clogg’s Road that are identified as “future use to be determined”. A more comprehensive review, including, but not limited to, completion of technical studies and reports, needs to be undertaken before any final decisions can be made about future land uses.

Within the study area there is a former quarry. As part of on-going filling and reclamation of the quarry the site receives soil and rock fill from municipal and Utilities Kingston operations and projects. Under the supervision of the City’s Environment Division, these excess fill materials are characterized and re-used for filling the quarry, providing clean fill to other projects or removal to disposal as appropriate. The City is currently working to transition the quarry property to be able to act as a temporary excess soils storage, sorting and transfer site in accordance with current and emerging provincial regulations for excess soil and materials management. The quarry could continue to host this valuable public use for 10 to 20 years depending on the capacity to be filled.

Official Plan and Zoning By-Law Review
Schedule 13 and Section 2.3.3 of the Official Plan identify the Clogg’s Road area as a secondary planning area. A secondary plan is a detailed, area-specific land use plan prepared as an amendment to the City-wide Official Plan, which is a blueprint for guiding growth and development in the City for a 20-year period. It examines how a specific area will grow and change in the future, and what features and areas should be protected. Sections 2.4.11 and 9.7.2 of the Official Plan contain policies for the preparation of secondary plans in the City, which includes the following components:

- Land use: A review of land uses, both existing and proposed, for the area, and ensuring compatibility between different uses. The review also includes an examination of any known cultural heritage resources (i.e. built heritage or archaeology) or natural heritage features or areas (i.e. wetlands) that need to be protected.

- Transportation: This includes a review of the transportation system needed to support future development, including active transportation facilities for pedestrians and cyclists, transit, as well as potential new roads.

- Servicing: This includes a review of other required municipal services (i.e. water, sanitary sewer, electrical and natural gas), the ability of the area to accommodate future growth and development, and any necessary upgrades needed.
Finance and implementation: A financial and implementation plan is prepared to address the phasing and timing of future development, and to provide additional detail on financial programs and other public investments that may be used as part of the future development of the area.

The completion of the work for a secondary plan area will vary depending on the nature of the associated study area. For instance, the scope of work needed to complete a secondary plan for a new greenfield area will not necessarily be the same as one for an existing, developed neighbourhood in the City. In the case of the Clogg’s Road Area Secondary Plan, the lands are identified in the Official Plan as a business district, with the City owning the majority of the lands, so the primary focus will be the development of these employment lands in a way that is compatible with the existing Official Plan designation and surrounding land uses.

The study area is designated Business Park Industrial on Schedule 3-A of the Official Plan, with Environmental Protection Area (EPA) along the northwest boundary at Collins Creek; the EPA designation is comprised of a provincially significant wetland (Exhibit B). The Business Park Industrial designation applies to employment areas intended to provide prominent locations for industrial uses in architecturally treated and finished buildings within high quality landscaped settings. Permitted uses include corporate administrative offices, research and development facilities, manufacturing, light industrial uses within enclosed buildings, limited open storage, and other related uses. The designation also permits complementary uses, such as service commercial uses (i.e. printing, equipment service, etc.), as well as those uses intended to support the overall function of a business park (i.e. day care facilities, financial institutions, medical centres, parks, etc.). The Business Park Industrial designation does not permit residential uses, so an Official Plan amendment (OPA) may be needed to support a change in land use (i.e. Business Park Industrial to Residential) along the northern portion of Clogg’s Road where several residences exist.

The study area is subject to Zoning By-Law Number 76-26 and has four zones that are currently applied to the lands:

1. The former Ministry of Transportation lands on the east side are in the Development (D) Zone. This zone generally only permits an existing single detached residential unit and agricultural uses. As this land is currently vacant, a zoning by-law amendment will be required to permit development.

2. The former quarry is located in an Extractive Industrial (M5) Zone. This zone permits a gravel pit, stone quarry, agricultural use or public use. A portion of the former quarry is to be developed as a temporary excess soils storage, sorting and transfer site. This portion will need to be re-zoned to recognize the current and future excess soil uses and to enable the permits from the Province required to operate the excess soils operation in accordance with current and emerging provincial regulations. The remainder of the former quarry could remain in the M5 Zone for the time that is required to reclaim the land and make it suitable for development. However, once the land is ready for development, it would need to be re-zoned to be in keeping with the Business Park Industrial designation in the Official Plan.
3. A small portion of the northern part of Clogg’s Road is zoned EPA, as is the adjacent wetland/creek.

4. The remainder of the western portion of the study area is zoned Restricted Agricultural (A1) Zone. The permitted uses are single residential dwellings, agricultural uses, and some other uses that are in keeping with the character of the rural area. Some of this land that is City-owned and intended for the business park industrial use will need to be re-zoned to an appropriate industrial zone. The remaining A1 Zone area, which includes the existing residential areas, may stay the same, or it may need to be re-zoned. The decision of whether to allow further development along the northern portion of Clogg’s Road will depend on the technical review to be undertaken during the Draft Plan of Subdivision process.

Public Comments
A drop-in public open house was held on Tuesday, May 29, 2018 from 4:00 - 6:30 p.m. at the INVISTA Centre. The public was invited to review the draft concept plan and discuss the study area and project details with staff. Approximately 15 people attended the open house and a summary of the comments received is attached as Exhibit D. Most of the comments will be considered in advancing the Draft Plan of Subdivision process. The planning process for the Clogg’s Road area will address issues related to land use, urban design, access, traffic, active transportation, and the protection of natural and cultural heritage features.

Some comments do not fall under the realm of the Planning Act and the Official Plan. These comments are highlighted in Exhibit D and responses to these comments are provided in Exhibit E.

Next Steps
City staff are currently receiving feedback from internal departments and external agencies (Ministry of Transportation, Cataraqui Region Conservation Authority) to refine the scope of work required to develop the study area. Following this process, the City-owned lands will go through a plan of subdivision approval process that will include, but not be limited to, the completion of additional technical work and reports, including the transportation and servicing studies. The plan of subdivision approval process will also include a report that will address all of the land use designations and zoning provisions required for future development in the study area. The report will also address the capital infrastructure costs associated with the development of the new business park and the phasing of the construction. This planning process will include additional opportunities for public input as required under the Planning Act and continued consultation with other agency stakeholders. Staff are of the opinion that the work plan for the Clogg’s Road area, as outlined above, adequately addresses the required components of a secondary plan and meets the intent of the Official Plan.

Moving forward, a Request for Proposals (RFP) will be prepared to complete amendments to the zoning by-law and Official Plan and prepare a Draft Plan of Subdivision for the study area, which will include technical reports and studies, and any outstanding work for the Secondary Plan. All required planning approvals can be processed concurrently.
With the issuance of the RFP for the more detailed technical aspects of the project, project management of the Clogg’s Road area is being transferred from the Planning, Building & Licensing Services Department to the Real Estate & Environmental Initiatives Department. Staff from Planning, Building & Licensing Services will remain involved in the project from a technical review perspective and will be responsible for administering the future planning approvals process.

Information about the Clogg’s Road Area Secondary Plan can be found on the project website at www.cityofkingston.ca/city-hall/projects-construction/cloggs-road.

**Existing Policy/By-Law:**

The Provincial Policy Statement (PPS) 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. Under Section 3 of the Planning Act, all municipal decisions regarding planning matters “shall be consistent with” applicable provincial policy. This includes municipal plans and policies, such as a secondary plan.

The PPS outlines policies that direct growth to settlement areas, promote cost-effective and efficient use of infrastructure and services, preserve employment areas, and protect natural and cultural heritage resources. The development of the Clogg’s Road area will foster economic growth in a way that is compatible with surrounding land uses, allow for the responsible development of additional municipal infrastructure, and protect important natural heritage features.

Official Plan policies and zoning by-law provisions applicable to the study area and secondary plan were reviewed above in the Options/Discussion section of the report.

**Notice Provisions:**

Staff have started an e-mail contact list of interested stakeholders for the Clogg’s Road Area Secondary Plan. Notice of this information report was provided to this list of stakeholders when the report was made public through the Planning Committee’s agenda. A courtesy notice was also placed in the Kingston Whig-Standard.

**Accessibility Considerations:**

Not applicable

**Financial Considerations:**

Funds have already been allocated through the capital budget to complete the technical studies and plans associated with the Draft Plan of Subdivision and other required planning approvals for the Clogg’s Road area.

The budget for the temporary excess soils storage, sorting and transfer site on a portion of the former quarry will be brought forward as part of the 2019 capital budget submission.
Contacts:

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

Peter Huigenbos, Director, Real Estate & Environmental Initiatives 613-546-4291 extension 3148

Laura MacCormick, Deputy Director, Planning Division 613-546-4291 extension 3223

Greg Newman, Manager, Policy Planning 613-546-4291 extension 3289

Saru Bajwa, Land Development Manager 613-546-4291 extension 3123

Sonya Bolton, Senior Planner 613-546-4291 extension 3237

Other City of Kingston Staff Consulted:

Paul MacLatchy, Environment Director, Real Estate & Environmental Initiatives

Brodie Richmond, Manager, Environmental Projects, Real Estate & Environmental Initiatives

Exhibits Attached:

Exhibit A    Key Map
Exhibit B    Official Plan Land Use Designations
Exhibit C    Draft Concept Plan for the Clogg’s Road Area
Exhibit D    Public Engagement Summary for May 29, 2018 Open House
Exhibit E    Response to Public Comments
Clogg's Road Area Secondary Plan

Legend
- Clogg's Road Area Secondary Plan
- Property Boundary
- Park
- Marsh
- Waterbody-River
Clogg’s Road Area Secondary Plan

Open House & Information Session
Tuesday, May 29, 2018 – 4:00 to 6:30 p.m.
INVISTA Centre, Meeting Room A
Attendance: approximately 12-15 people

Summary of Comments

Environment & Green Space
- I am very concerned that the Environmental Protection Area (EPA) is protected.
- Show the EPA and lands adjacent to the Provincially Significant Wetland (PSW) on the maps.
- Include more treed areas integrated with the proposed business park and commercial uses.
- Larger treed buffer between homes and proposed employment area.
- The northeast corner (north of the green ridge) is a concern for the EPA – run off, etc.
- I am concerned that future industrial owners will dump stuff into the ground which contaminates the EPA and surrounding properties.
- Keep Clogg’s Road green/open – no commercial development.

Ownership & Property Values
- I am concerned about the noise and mess of the construction of the proposed development.
- What will be the impact on property values?
- The City should evaluate impacts to property value and be open to compensation if potential loss.
- Would the City ever sell us (residents on Clogg’s Road) the land?
- Is there a possibility that the homes on Clogg’s Road would be purchased by the City?
Land Use
− Look at apartment building potential at Creekford and Gardiners – southwest corner [of study area].
− Can we limit the type of complementary commercial? No more fast food restaurants; no more strip malls or plazas; no Tim Horton’s or other high traffic commercial uses.
− No large scale commercial (e.g. Walmart).
− Being close to quarry – need to change zoning before development.

Traffic
− You need a traffic study to look at traffic volume.
− New/more commercial on Midland Avenue will add to traffic volume.
− Bayridge Drive south of Cataraqui Woods Drive needs work – in poor condition and there is a hidden curve before Princess Street. Intersection of Bayridge Drive and Cedarwood Drive is a problem. The fact that Bayrdige Drive goes down to one lane before Princess Street is also a problem, as it causes traffic to back up. You can’t add new development near Clogg’s Road without addressing traffic concerns elsewhere in the area.
− New link/road to Highway 401
− Future traffic flow and even current flow is a concern – Creekford Road needs to be widened.
− Keep Clogg’s Road private; no road access from Creekford Road or Highway 38 to Clogg’s Road.
− All road access to businesses should be from Highway 38 or Creekford Road.

Servicing
− What will be the impacts to stormwater in the area?
− There is an old right-of-way [to the east of 2929 Clogg’s Road] with a cedar fence on either side; part of the drainage for area.
− Residents don’t want [municipal] water.
− How will you address potential impacts of industrial use on well water quality?
− What are the options for servicing private property? Is there the potential for improvements to current services – sewer, water, etcetera?

Pedestrians
− Create a linear trail for people to walk on for their lunch break.
− We want to see a business park that gives pedestrians the priority – a place to walk.
**Site Plan/Design Issues**

- Coordinate signage of businesses; no big signs.
- Have consistent lighting throughout the business park.
- There should be a physical barrier between the green buffer and new businesses to separate them from the residences. It would keep noise levels down and prevent access to the private properties.

**Other Comments**

- I am concerned about security issues for my home/property with the development of a business park.
- Close the loop with respect to projects for the public (report back on what happens with decisions).
- Bring Official Plan Schedule 3A to the next meeting to show policy context.
Most comments provided by the public during the open house, as summarized in Exhibit B, will be considered in advancing the draft plan of subdivision process. Responses to the comments that do not fall under the realm of the Planning Act and the Official Plan directly are provided below:

Environment & Green Space

- I am concerned that future industrial owners will dump stuff into the ground which contaminates the EPA and surrounding properties.

  Response: The future owners will be subject to the same regulations and laws pertaining to illegal dumping as elsewhere in Kingston. Any infractions will be dealt with through the same course of enforcement by the City and the Province as elsewhere in Kingston.

Ownership & Property Values

- I am concerned about the noise and mess of the construction of the proposed development.
  
  Response - During construction, the development will be subject to the noise by-law like any other development in Kingston

- What will be the impact on property values?

- The City should evaluate impacts to property value and be open to compensation if potential loss.

  Response - All land use development in Kingston is done in conformance with the City’s Official Plan, the Provincial Policy Statement (PPS), and the Ontario Planning Act. The impact on the value of a property due to development on an adjacent property is not a matter of consideration in the Planning Act, the PPS, or Official Plan. However, reviewing the compatibility of land uses both existing and proposed, and ensuring compatibility between different uses will be part of the planning process.

- Would the City ever sell us (residents on Clogg’s Road) the land?

  Response - During the plan of subdivision process for Clogg’s Road Area, the lands that end up being zoned for future employment use will be declared surplus and added to the City’s industrial land inventory and sold for employment uses. There is no intention at this time to declare surplus any other lands in the study area, which includes the lands identified in the draft concept plan as “future use to be determined”. The future of these lands will be determined as part of the planning process.

Other Comments

- I am concerned about security issues for my home/property with the development of a business park.

  Response - The City is not responsible for the security of private property. However, reviewing and ensuring the compatibility of land uses, both existing and proposed, will be part of the planning process. Through the planning process, public security can be addressed through appropriate site design, including, but not limited to: enhanced lighting; visibility of public areas; the provision of entrance locations in well-traveled areas; and ease of access for emergency personnel.