



CITY OF KINGSTON
REPORT TO PLANNING COMMITTEE

Report No.: PC-12-014

TO: Chair and Members of Planning Committee

FROM: Cynthia Beach, Commissioner, Sustainability & Growth

RESOURCE STAFF: Grant C. Bain, Director, Planning and Development Department

DATE OF MEETING: January 19, 2012

SUBJECT: PUBLIC MEETING AND COMPREHENSIVE REPORT
(File No. D14-230-2011)
Application for Zoning By-Law Amendment
City of Kingston
Cataraqui Estates Business Park
Lands bounded by Resource Road, Venture Drive and Centennial Drive

EXECUTIVE SUMMARY:

This is a Public Meeting and Comprehensive Report to recommend approval of an application for Zoning By-Law Amendment, submitted by the City of Kingston's Real Estate & Construction Services Department, with respect to lands located within the Cataraqui Estates Business Park and bounded by Resource Road, Venture Drive and Centennial Drive.

The lands have a total area of 12.7 hectares and are currently undeveloped. The properties are designated General Industrial and Business Park Industrial in the City of Kingston Official Plan and zoned a site specific Restricted General Industrial (M6-23) zone, site specific General Industrial (M1-12 and M1-13) zones, a site specific Business Park (BP-2) zone and an Open Space zone in Zoning By-Law No. 76-26. The applicant is requesting to amalgamate the site specific Restricted General Industrial (M6-23) and site specific General Industrial (M1-12 and M1-13) zones, reduce the parking requirements for a manufacturing and warehouse use, retain business and professional office uses along the Resource Road frontage, permit a maximum of 25% of the total floor area of a permitted use for the purposes of a showroom, display area and retail sales for products that are manufactured, processed, fabricated or assembled on the premises, permit parking in the front and exterior yards and loading in the exterior yards and to relocate the open space zone.

The amendments requested in this Zoning By-Law Amendment application are appropriate as the proposed industrial uses are compatible with the surrounding land uses, are in proximity to Highway 401 and provide employment land available for industrial development.

The application conforms to and is consistent with the applicable policies in the Provincial Policy Statement and complies with the general intent of the City of Kingston Official Plan.

RECOMMENDATION:

THAT it be recommended to Council that the application for Zoning By-Law Amendment (Our File No. D14-230-2011) submitted by the City of Kingston’s Real Estate & Construction Services Department, for the lands within the Cataraqui Estates Business Park and bounded by Resource Road, Venture Drive and Centennial Drive, **BE APPROVED**; and,

THAT the Township of Kingston Zoning By-Law No. 76-26, as amended, be further amended as follows:

1. Map 3 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject lands from ‘M6-23’, ‘M1-12’, ‘M1-13’ and ‘OS’ to ‘M1-13’ and from ‘BP-2’ to ‘OS’ as shown on Schedule “A” attached hereto and forming part of amending By-Law No. 2012-____.
2. By **deleting** subsection 24(3)(m) in its entirety and replacing it with the following:

“(m) **Cataraqui Estates Business Park (bounded by Resource Road, Venture Drive and Centennial Drive)**

On the approximately 11.9 hectare parcel of land bounded by Resource Road, Venture Drive and Centennial Drive and zoned ‘M1-13’, the following regulations shall apply to the entire area zoned ‘M1-13’:

- (a) Notwithstanding any provisions of Sections 4 or 5 hereof to the contrary, for the lands zoned ‘M1-13’ on Schedule “A” hereto, the Venture Road frontage will be considered the front yard.
- (b) Notwithstanding any provisions of Sections 5 or 24 (1) hereof to the contrary, the lands zoned ‘M1-13’ on Schedule “A” hereto, may be used in accordance with the provisions of Sections 5 and 24 except that:
 - (i) **ONLY PERMITTED USES:**
 - Manufacturing, assembling, fabricating, and processing operations;
 - Construction and transportation activities and facility;
 - Storage, warehousing and wholesale trade activities;
 - Communications and utilities facility;
 - Institutional uses with General Industrial characteristics, such as a trade school;
 - Business and professional office provided that such use is located within 90 metres of the Resource Road frontage; and,
 - Public use in accordance with Section 5(18) of By-Law No. 76-26.

- (ii) A maximum of 25% of the total floor area of a permitted use may be used for the purposes of a showroom, display area and retail sales for products that are manufactured, processed, fabricated or assembled on the premises.
- (iii) ONLY COMPLEMENTARY PERMITTED USES:
Office and business services such as printing and equipment repair intended to serve the General Industrial area;
Restaurant;
Financial institution;
Personal services and convenience commercial;
Automotive, heavy equipment or truck repair facility;
Public and private parks and recreation facilities; and,
Parking lots and parking structure.
- (iv) MINIMUM FRONT YARD DEPTH : 10 metres
- (v) MINIMUM EXTERIOR SIDE YARD WIDTH : 10 metres
- (vi) MINIMUM INTERIOR SIDE YARD WIDTH: 3 metres
- (vii) MINIMUM REAR YARD DEPTH : 7.6 metres
- (viii) MAXIMUM BUILDING HEIGHT: 20 metres
- (ix) MINIMUM PARKING REQUIREMENT FOR MANUFACTURING OR WAREHOUSE USE: 1 space per 100m² of gross floor area
- (x) YARD IN WHICH REQUIRED PARKING AREA PERMITTED: Parking area may be permitted in the front yard, exterior side yard and rear yard provided that no part of any parking area, other than a driveway, is located closer than 7.6 metres to any street line
- (xi) YARD IN WHICH LOADING SPACES ARE PERMITTED: Loading spaces shall be located in the exterior side yard or rear yard only provided that such loading space is located no closer than 18.3 metres to any street line”

THAT the Amending By-Law be presented to City Council for all three readings.

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY COMMISSIONER <u>Cynthia Beach, P.Eng., MCIP, RPP, Commissioner, Sustainability & Growth Group</u>
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER <u>Gerard Hunt, Chief Administrative Officer</u>

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Lanie Hurdle, <i>Community Services</i>	N/R
Denis Leger, <i>Transportation, Properties & Emergency Services</i>	N/R
Jim Keech, <i>President and CEO, Utilities Kingston</i>	N/R

(N/R indicates consultation not required)

OPTIONS/DISCUSSION:

On December 22, 2011, a Zoning By-Law Amendment application was submitted by the City of Kingston's Real Estate & Construction Services Department for the purpose of amending the existing site specific Restricted General Industrial (M6-23), site specific General Industrial (M1-12 and M1-13), site specific Business Park (BP-2) and Open Space zones.

In accordance with By-Law No. 2007-43, a Pre-consultation meeting was conducted on December 12, 2011. On December 28, 2011, the Zoning By-Law Amendment application was deemed complete, in accordance with the Planning Act.

Site Characteristics

The subject property is located within the Cataraqui Estates Business Park and is bounded by Resource Road, Venture Drive and Centennial Drive (see Exhibit A - Key Map). The subject lands are currently undeveloped and comprise of 11.9 hectares south of Resource Road and 0.8 hectares north of Resource Road.

The lands are located within a predominantly undeveloped industrial area. A mix of developed industrial lands is located to the south, west, and northwest along Fortune Crescent, Centennial Drive and Gardiners Road.

Application

The Zoning By-Law Amendment application requests to amalgamate the site specific Restricted General Industrial (M6-23) and site specific General Industrial (M1-12 and M1-13) zones, reduce the parking requirements for a manufacturing and warehouse use, retain business and professional office uses along the Resource Road frontage, permit a maximum of 25% of the total floor area of a permitted use for the purposes of a showroom, display area and retail sales for products that are manufactured, processed, fabricated or assembled on the premises, permit parking in the front and exterior yards and loading in the exterior yards and to relocate the open space zone.

The subject lands have been assembled using lands within two recent phases of the Cataraqui Estates Business Park expansion. As a result, the lot has a multiple zoning with differing permitted uses and regulations making development of the entire parcel for a single large user problematic from a site development and by-law interpretation perspective.

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 application being considered is site specific to accommodate a specific proposal and does not involve any major policy issues.

The proposal is consistent with the Provincial Policy Statement with respect to the following:

- Promote 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);
- Accommodate an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses), recreational and open space uses to meet long-term needs; (Section 1.1.1.b);
- Avoid development and land use patterns which may cause environmental or public health and safety concerns (Section 1.1.1.c);
- Planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs; provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; planning for, protecting and preserving employment areas for current and future uses; and, ensuring the necessary infrastructure is provided to support current and projected needs (Section 1.3.1); and,
- Provide for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, open space areas, trails and, where practical, water-based resources; (Section 1.5.1.b).

The application conforms to and is consistent with the applicable policies in the Provincial Policy Statement.

Official Plan

The site is designated General Industrial and Business Park Industrial in the City of Kingston Official Plan (see Exhibit B - Existing Official Plan designation).

The main uses permitted within the General Industrial designation include: manufacturing, assembling, fabricating, and processing operations; construction and transportation activities and facilities; storage, warehousing, and wholesale trade activities; communications facilities and utilities; automotive, heavy equipment, and truck repair facilities, and towing compounds; institutional uses with General Industrial characteristics; and, community facilities.

In addition, the following uses are permitted as complementary uses within the General Industrial designation: office and business service establishments, such as printing and equipment repair, which are intended to serve the General Industrial area; day care facilities; restaurants, financial institutions, personal services, and convenience commercial uses; automobile service stations or gas bars, if located at the intersection of arterial or collector streets; public and private parks and recreation facilities; parking lots and structures; and, sources of alternative energy and renewable energy.

The main uses permitted within the Business Park Industrial designation include: corporate administrative offices; research and development facilities; data processing facilities, including call centres; technologically advanced manufacturing, fabricating, and assembling operations

for the production of high value products; administrative, professional and technical services, such as engineering and surveying firms; institutional uses with Business Park Industrial characteristics; and, community facilities. The following uses are permitted as complementary uses within the Business Park Industrial designation: office and business services, such as printing and equipment repair, which are intended to serve the Business Park Industrial area; day care facilities; restaurants, financial institutions, personal services, and convenience commercial uses; public and private parks and recreation facilities; parking lots and structures; and, sources of alternative energy and renewable energy.

The Official Plan recognizes, in Section 3.6.2, that the City strongly supports a strong and diversified economic base and that as part of the City's long term economic development strategy, the City will continue to promote the City's four Business Parks: Catarauqui Estates Business Park; Clyde Business Park; Alcan Business Park; and, the St. Lawrence Business Park. The Official Plan directs the City to provide for, facilitate, and support industrial development initiatives through the development of City-owned lands within areas of employment.

Section 3.6.4 of the Official Plan states that the City will take an active role in preserving areas of employment for future job growth. A sufficient supply of land designated for employment uses must be maintained within the Urban Boundary in order to meet anticipated short and long-term needs, including an adequate supply of serviced land and an allowance for choice in terms of location, size of property, and servicing needs.

In accordance with Section 3.6.14 of the Official Plan, all development applications within areas of employment are subject to site plan control review. During that review, the Official Plan sets out the following development criteria:

- rationalization of the land ownership pattern is encouraged through land assembly, subdivision and consolidation to create parcels of a size and configuration appropriate to contemporary industrial requirements;
- providing road access to individual landholdings is a primary consideration in the context of re-organizing the ownership pattern and facilitating the transition of vacant or underutilized lands to full industrial capability;
- plans of subdivision are the preferred means of land division;
- access to each property is by way of clearly indicated access points that will facilitate entry and exit, particularly by highway transport vehicles;
- each site must provide convenient and safe access for pedestrians and vehicles, accommodate transit and cyclists, and connect on-site walkways with the public sidewalk system, and with adjacent public spaces and trails, where feasible;
- loading areas must be screened from abutting non-industrial uses, separated from vehicle and pedestrian traffic, and located in interior side yards or rear yards;
- parking is to be provided in accordance with the policies of the Plan, designed in such a manner as to minimize conflicts between vehicles and pedestrians, and wherever possible, should be screened and located in interior side yards or rear yards;

- the design of new industrial buildings must be compatible with, and sensitive to, the characteristics of the existing surrounding development, and must take into consideration the existing natural constraints and features on the site;
- industrial buildings must be designed and constructed to a finished standard with appropriate exterior cladding on all sides facing a road, a freeway or an abutting non-industrial use;
- the design of new industrial buildings must be appropriate in terms of scale, character, and design elements, including well-defined main entrances that are oriented to the public road, roof form and articulation, and the use of high quality exterior materials that are compatible with surrounding uses;
- service facilities and mechanical equipment must be designed and located with minimal visual impacts on surrounding property, and for maximum safety for employees and the public;
- adequate screening and buffering in the form of fencing, berming and landscaping is required to minimize potential impacts between the proposed industrial use and neighbouring property, particularly any adjacent Residential, Commercial, Institutional, or Environmental Protection Area designations;
- landscaping must be designed to enhance the overall aesthetic quality of each site, and where a site is adjacent to a natural heritage feature or area, special attention must be given to the landscape design in order to enhance and protect natural features and minimize adverse effects;
- facilities for managing solid waste must be located within an enclosed structure sited away from the street or an abutting non-industrial use, and constructed in such a manner that the waste material is not visible from the street or an adjacent non-industrial property;
- outdoor storage of goods or materials must be fenced and screened and will not be permitted in the Business Park Industrial designation;
- industrial uses requiring large amounts of open storage, and those characterized by noise, odour and vibration, are restricted through the zoning By-Law from locating near non-industrial areas;
- exterior lighting of any building or parking area is to be designed to deflect glare from adjacent property;
- a stormwater management plan prepared in conjunction with a development application must address the quality and quantity of stormwater; and,
- high quality design treatments are expected of any industrial facility located adjacent to non-industrial uses, on all lands designated as Business Park Industrial, and on any of the major gateways into the City, including Highway 401, Gardiners Road, Sir John A. Macdonald Boulevard, Division Street, Montreal Street, and Highway 15.

The proposed Zoning By-Law Amendment application complies with the general intent of the Official Plan therefore an Official Plan Amendment is not required.

Zoning By-Law

The subject lands are zoned a site specific Restricted General Industrial (M6-23) zone, a site specific General Industrial (M1-12) zone, a site specific General Industrial (M1-13) zone, a site specific Business Park (BP-2) zone and an Open Space zone in Zoning By-Law No. 76-26 (see Exhibit C – Existing Zoning). The zoning of these lands was recently approved by Council.

By-Law No. 2010-123, passed by Council on June 15, 2010, created the M1-12, BP-2 and OS zones on a portion of these lands. The site specific M1-12 zone established the following permitted uses: manufacturing, assembling, fabricating, and processing operations; construction and transportation activities and facility; storage, warehousing and wholesale trade activities; communications and utilities facility; institutional uses with General Industrial characteristics; and, a public use. As accessory uses, the site specific General Industrial zone permits office and business services such as printing and equipment repair intended to serve the General Industrial area; restaurant; financial institution; personal services and convenience commercial; automotive, heavy equipment or truck repair facility; public and private parks and recreation facilities; and, parking lots and structure. Further amendments to reduce the required front yard depth and exterior side yard width from 15.2 metres to 10 metres and increase the maximum building height from 12.2 metres to 20 metres were approved. The site specific BP-2 zone permits corporate administrative office, research and development facility carried out within enclosed buildings, data processing and related services, including call centre, administrative, professional and technical services supporting a permitted use, and, public use. As complementary uses, the site specific Business Park zone permits office and business services such as printing and equipment repair intended to serve the Business Park Industrial area, restaurant, financial institution, personal services and convenience commercial, public and private parks and recreation facilities, and, parking lots and structure.

The M6-23 zone was established in By-Law No. 2011-105 which was passed on August 16, 2011. The amendment, as it related to the subject lands, permitted a maximum of 25% of the total floor area of a permitted use to be used for the purposes of a showroom, display area and retail sales for products that are manufactured, processed, fabricated or assembled on the premises. An accessory dwelling unit, assembly plant, business or professional office, dry-cleaning or laundry plant, fabricating plant, manufacturing plant, processing plant, public use and warehouse are permitted in the Restricted General Industrial zone. By-Law No. 2010-32, passed by Council on January 19, 2010, added a contractor's or tradesman's shop or yard as a permitted use and reduced the lot area and lot frontage requirements of the lands along Resource Road.

On December 7, 2011, Council passed By-Law No. 2012-5 which rezoned the south portion of the subject lands to M1-13. The site specific General Industrial (M1-13) zone amalgamated the M6-23 and M1-12 zoning of the site, reduced the parking requirements for a manufacturing and warehouse use, retained business and professional office uses along the Resource Road frontage and, permitted a maximum of 25% of the total floor area of a permitted use for the purposes of a showroom, display area and retail sales for products that are manufactured, processed, fabricated or assembled on the premises.

Site Plan Control

In accordance with By-Law No. 2010-217, any non-residential development over 300 square metres of gross floor area or along an arterial road would be subject to Site Plan Control. In addition, Section 3.6.14 of the Official Plan which sets out development criteria for areas of employment, requires that all development applications be subject to site plan control review. As a result, a Site Plan Control application will be required prior to any development of the subject lands.

The Site Plan Control process examines the design and technical aspects of a proposed development to ensure it is attractive and compatible with the surrounding area and contributes to the economic, social and environmental vitality of the City. Typically features such as building design, site access, stormwater management, lot grading, servicing, parking, loading and landscaping are reviewed during the Site Plan Control process.

The site plan will be required to conform to all applicable regulations and be prepared in accordance with the City's Site Plan Design Guideline. Development cannot take place until such time as all agencies have granted approval, a Site Plan Control Agreement including all necessary conditions has been executed, and securities have been submitted to the City.

Technical Analysis

The Zoning By-Law Amendment application was circulated to external agencies and internal departments for review and comment. At the time of writing this report, comments from the circulated departments and agencies had yet to be received. Any comments or conditions provided prior to the Planning Committee Meeting will be addressed by way of an addendum to this report.

A Parking Analysis, prepared by IBI Group, was submitted in support of the request to reduce the parking requirements for a manufacturing and warehouse use. The analysis assessed the industrial parking standards of the various City of Kingston Zoning By-Laws, eight Canadian municipalities and standards from the Institute of Transportation Engineers (ITE) Parking Generation Manual. The analysis concluded that an appropriate parking rate for a manufacturing and warehouse use would be 1 parking space per 100m² of gross leasable area.

In support of the relocation of the lands zoned Open Space, an Addendum to the Environmental Impact Assessment, dated December 20, 2011, was prepared by Brunton Consulting Services (see Exhibit D – Addendum to the Environmental Impact Assessment). The Addendum concludes that although the removal of the Open Space zone south of Resource Road will represent a loss of natural/near-natural habitat, the ecological quality of the proposed addition of the Open Space zone north of Resource Road is greater. The expansion of the existing open space area north of Resource Road enhances the significant habitat function and buffering of the Open Space and Environmental Protection Area lands to the west. The Addendum notes that the loss of the Open Space zone south of Resource Road is a potential reduction in Juniper

Hairstreak habitat and that mitigation of the loss can likely be achieved by an emphasis to retain habitat on the Centennial Drive side of the proposed development site.

Public Meeting and Comprehensive Report

The public meeting and comprehensive report is requested to be held concurrently for the following reasons:

- The application is very similar to several Zoning By-Law Amendment applications (D14-170-2009, D14-173-2009, D14-199-2011 and D14-223-2011) and a Draft Plan of Subdivision application (D12-054-2009) that were recently approved for these lands and adjacent lands within the Catarauqui Estates Business Park. These previous amendments did not receive any public concerns or comments during the processing of the applications.
- The proposed amendment amalgamates provisions from three zones which were recently approved by Council;
- The proposed Zoning By-Law Amendment conforms to the policies of the Official Plan; and
- Combining the public meeting and comprehensive report facilitates the streamlining of the development approval process.

Conclusion

In conclusion, the Planning and Development Department recommends approval of the application for Zoning By-Law Amendment for the parcel of land located within the Catarauqui Estates Business Park and bounded by Resource Road, Venture Drive and Centennial Drive.

Eliminating the various zones and applying one zone to the property will enhance marketability and facilitate development of the site for a single user. Having one zone for the lands will also assist in achieving the City's goal of having a large parcel of land in a market-ready state for development.

The proposed amendments to retain business and professional office uses along the Resource Road frontage and to permit a maximum of 25% of the total floor area for the purposes of a showroom, display area and retail sales for products that are manufactured, processed, fabricated or assembled on the premises, is permitted in the existing Restricted General Industrial (M6-23) and General Industrial (M1-13) zones.

The reduction of the parking requirements for a manufacturing and warehouse use is supported by the Parking Analysis and is consistent with Section 4.6.47 of the Official Plan which encourages a balance between providing sufficient parking to address existing or future requirements, and not oversupplying parking to the detriment of public transit usage, cycling or pedestrian traffic.

The proposed amendments will facilitate the City's goal to provide industrial development initiatives through the development of City-owned lands within areas of employment. All conditions of development will be addressed through the Site Plan Control process.

The application conforms to and is consistent with the applicable policies in the Provincial Policy Statement and complies with the general intent of the City of Kingston Official Plan.

EXISTING POLICY/BY LAW:

The proposed amendment was reviewed against the policies of the Province of Ontario and policies, By-Law and studies of the City of Kingston to ensure that the changes would be consistent with the Province's and City's vision of urban development. The following documents were assessed:

***Provincial
Planning Act***

Provincial Policy Statement, 2005

Municipal

City of Kingston Official Plan

Township of Kingston Zoning By-Law No. 76-26

NOTICE PROVISIONS:

Pursuant to the requirements of the *Planning Act*, a notice of the statutory Public Meeting was provided by advertisement in the form of a sign posted on the subject property 20 days in advance of the Public Meeting. In addition, prepaid first class mail was sent to all property owners (according to the latest Assessment Rolls) within 120 metres (400 ft.) of the subject property. There were approximately 60 owners notified. In addition, a courtesy notice was published in *The Kingston Whig-Standard*.

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

If a person or public body does not make oral submissions at a Public Meeting or make written submissions to the City of Kingston before the application is approved, the person or public body is not entitled to appeal the decision of the City of Kingston to the Ontario Municipal Board. If a person or public body does not make oral submissions at a Public Meeting or make written submissions to the City of Kingston before the By-Law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

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

Karen Fraser, Senior Planner
The Corporation of the City of Kingston

216 Ontario Street
KINGSTON, Ontario, K7L 2Z3.

Planning Committee will receive a Comprehensive Report at the regular agenda component of the Planning Committee meeting at which time a recommendation, subject to the outcome of the Public Meeting, will be made to Council regarding the amendment or may be referred back to staff for further review. The Committee will make its recommendation to City Council at that meeting. The decision of City Council will be final unless appealed. The notice of Public Meeting indicated that this report would include a recommendation to the Planning Committee, subject to the outcome of the Public Meeting.

If the application is approved, a Notice of Passing for the Zoning By-Law Amendment will be circulated in accordance with the provisions of the Planning Act.

ACCESSIBILITY CONSIDERATIONS:

No accessibility concerns were identified with respect to the proposed amendments.

FINANCIAL CONSIDERATIONS:

No financial implications are considered in this report.

CONTACTS:

- Karen Fraser, Senior Planner, Development Approvals, 613-546-4291, ext. 3287;
- Marnie Venditti, Manager, Development Approvals, 613-546-4291, ext 3256; and,
- Grant C. Bain, Director, Planning & Development Department, 613-546-4291, ext. 3252.

OTHER CITY OF KINGSTON STAFF CONSULTED:

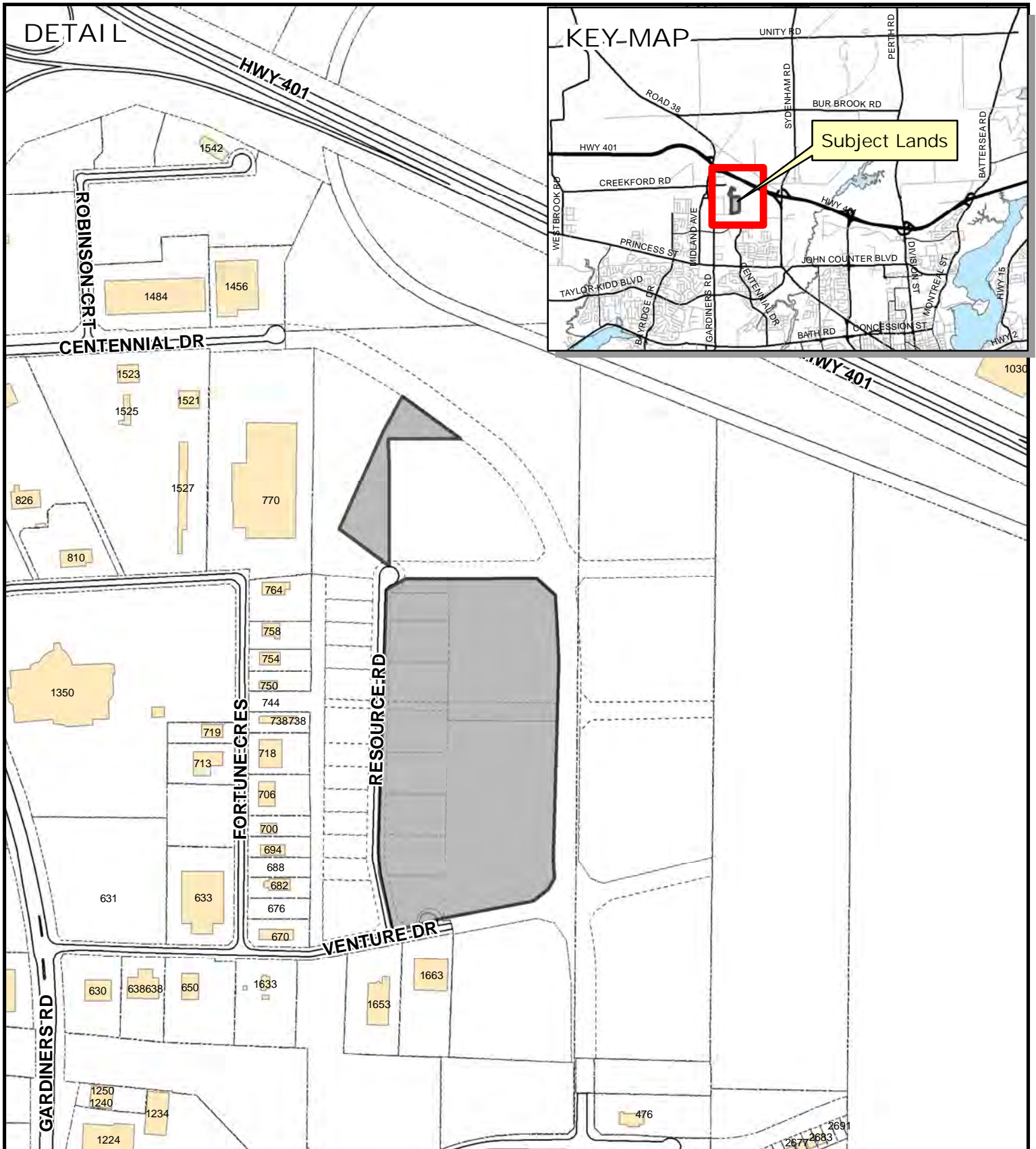
The following external and internal agencies were circulated the Zoning By-Law Amendment application for review and comment:

Del Stowe, Building & By-Law Enforcement
Kim Brown, Engineering Services
Chantal Chiddle, Utilities Kingston - Technical Services
Robb Kidd, Fire & Rescue
Chanda Theng, Parks Development
Cherie Mills, Planning & Development - Policy
Lindsay Lambert, Planning & Development – Heritage
Brodie Richmond, Environment
Ian Semple, Transit
John Giles, Solid Waste
Darrin Richmond, Public Works - Forestry

Damon Wells, Public Works - Operations
Maureen Petersen, Taxation and Revenue
Ed Gardner, KFL&A Public Health
Laura Giunta, Hydro One Networks Inc.
Sukriti Agarwal, Cataraqui Region Conservation Authority
Jeff Garrah, KEDCO
Doug Campbell, Catholic School Board
Wayne Toms, Limestone District School Board
Colette Potvin, Conseil des Ecoles Publiques de l'Est de l'Ontario
Ronald Nault, Conseil des Ecoles Catholiques de Langue Francaise du Centre Est
Cataraqui Region Conservation Authority
Kingston Electricity Distribution Ltd.
Union Gas Inc.
Ontario Power Generation Inc.
Enbridge Pipeline Inc.
TransCanada Pipelines Limited
InterProvincial Pipelines Inc.
Trans-Northern Pipelines Inc.

EXHIBITS ATTACHED:

Exhibit A Key Map;
Exhibit B Existing Official Plan designation;
Exhibit C Existing Zoning;
Exhibit D Addendum to the Environmental Impact Assessment; and,
Exhibit E Draft By-Law.



Planning & Development
a department of Sustainability & Growth

PREPARED BY: A. Dowker
DATE: Dec 28, 2011

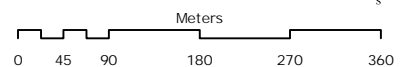
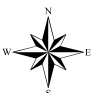
THE CORPORATION OF THE CITY OF KINGSTON
PLANNING & DEVELOPMENT DEPARTMENT

KEY MAP

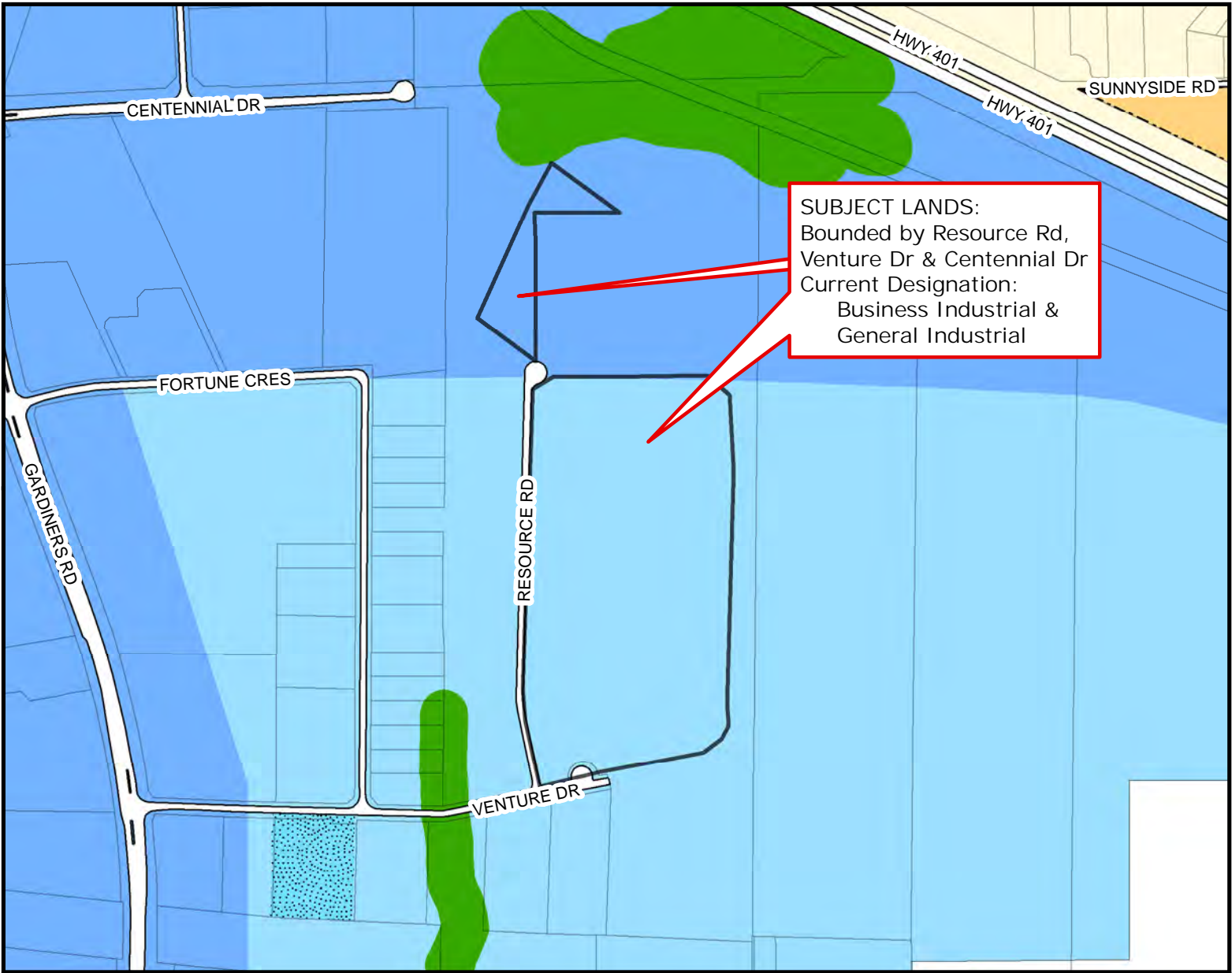
Applicant: Corporation of The City of Kingston
File Number: D14-230-2011
Address: Lands bounded by Resource Rd, Venture Dr & Centennial Dr
Legal Description: PART OF: KINGSTON CON 3 PT LOTS 11 AND 12; AND RP 13R14969 PART 2 RP 13R17662 PART 1 RP 13R18261 PARTS 1 TO 4 RP 13R18629 PARTS 2, 3, 7 TO 9
ARN: PART OF 101108019012519

Legend

 Subject_Lands



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SUBJECT LANDS:
 Bounded by Resource Rd,
 Venture Dr & Centennial Dr
 Current Designation:
 Business Industrial &
 General Industrial

LEGEND

RESIDENTIAL

- ESTATE RESIDENTIAL
- RESIDENTIAL

COMMERCIAL

- ARTERIAL COMMERCIAL
- CENTRAL BUSINESS DISTRICT
- DISTRICT COMMERCIAL
- MAIN STREET COMMERCIAL
- REGIONAL COMMERCIAL

EMPLOYMENT

- AIRPORT
- BUSINESS PARK INDUSTRIAL
- GENERAL INDUSTRIAL
- WASTE MANAGEMENT INDUSTRIAL

RURAL

- MINERAL RESOURCE AREA
- PRIME AGRICULTURAL AREA
- RURAL AREA

- RURAL COMMERCIAL
- RURAL INDUSTRIAL

OTHER

- DEFERRED AREA
- ENVIRONMENTAL PROTECTION AREA
- INSTITUTIONAL
- OPEN SPACE
- SECONDARY PLAN AREA



Planning &
 Development
 a department of
 Sustainability &
 Growth

PREPARED BY: A. Dowker
 DATE: Dec 28, 2011
 KD14/2011/014-230-201_ExistingOP

THE CORPORATION OF THE CITY OF KINGSTON

**Official Plan for the City of Kingston
 Schedule 3-A, Existing Land Use**

Applicant: Corporation of The City of Kingston
 File Number: D14-230-2011
 Address: Lands bounded by Resource Rd, Venture Dr & Centennial Dr
 Legal Description: PART OF: KINGSTON CON 3 PT LOTS 11
 AND 12; AND RP 13R14969 PART 2 RP 13R17662 PART 1 RP
 13R18261 PARTS 1 TO 4 RP 13R18629 PARTS 2 3 7 TO 9
 ARN: PART OF 101108019012519

Legend

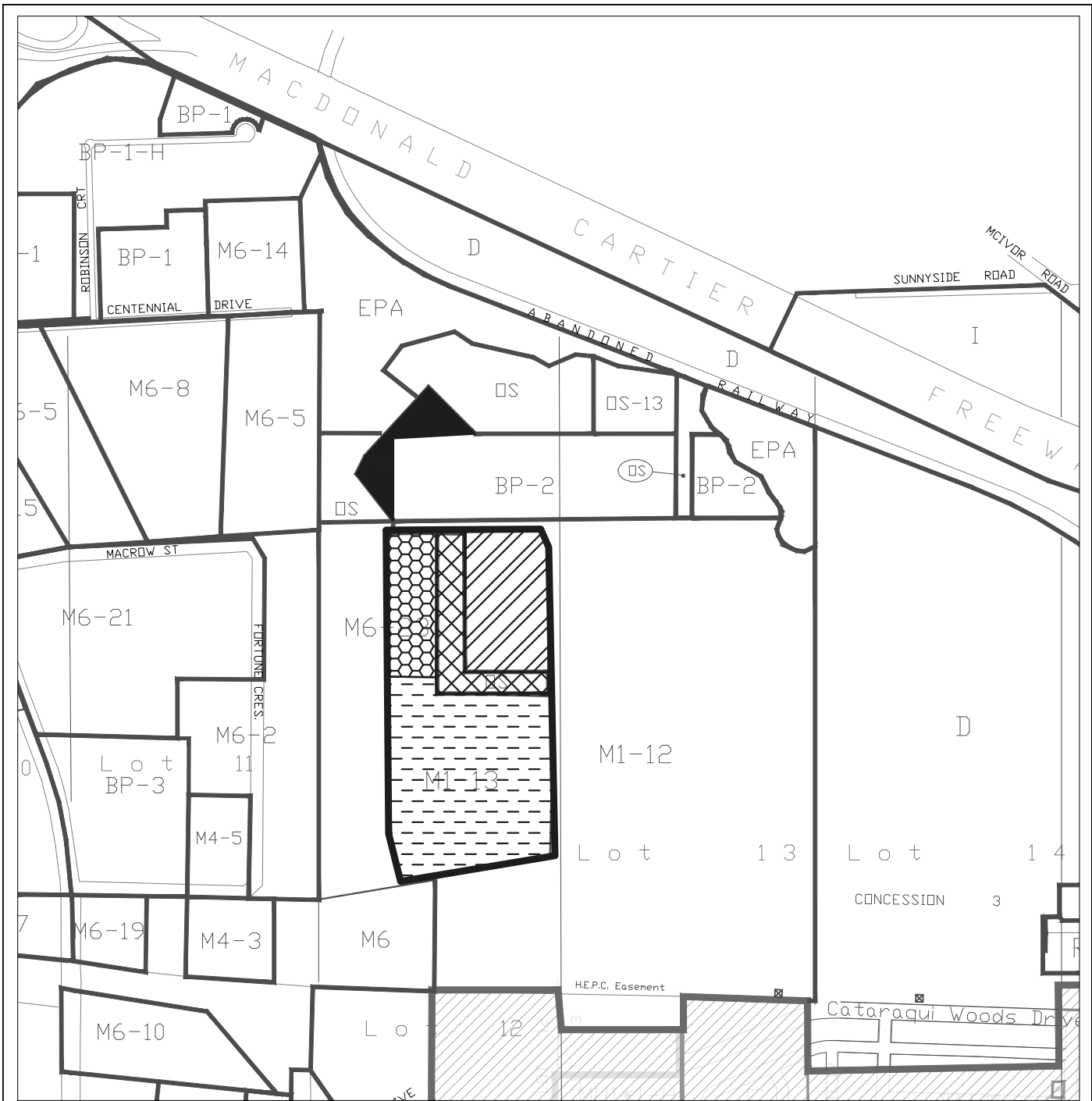
Subject_Lands



SCALE



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Planning & Development
 a department of
 Sustainability & Growth






The Corporation of the City of Kingston
Zoning By-law 76-26, Map 3
Existing Zoning

Applicant: Corporation of the City of Kingston
 File No.: D14-230-2011
 Address: Land bounded by Resource Rd & Venture Dr
 Plan No.: PART OF: KINGSTON CON 3 PT LOTS 11 AND 12;
 AND RP 13R14969 PART 2 RP 13R17662 PART 1
 RP13R18261 PARTS 1 TO 4 RP 13R18629 PARTS 2 3 7 TO 9
 Roll No.: Part of 101108019012519
 Scale: Metric

This map is not to be used for precise scaling.



Legend:

-  Current Zone- BP-2
-  Current Zone - M1-12
-  Current Zone - M1-13
-  Current Zone - M6-23
-  Current Zone - OS

Date: Dec 28, 2011
 Prepared by: A. Dowker

Brunton Consulting Services

216 Lincoln Heights Road, Ottawa, Ontario K2B 8A8

Phone: (613) 829-7307 Fax: (613) 829-4688
e-mail: bruntonconsulting@rogers.com

DEC 22 2011

PLANNING & DEVELOPMENT
DEPARTMENT
CITY OF KINGSTON

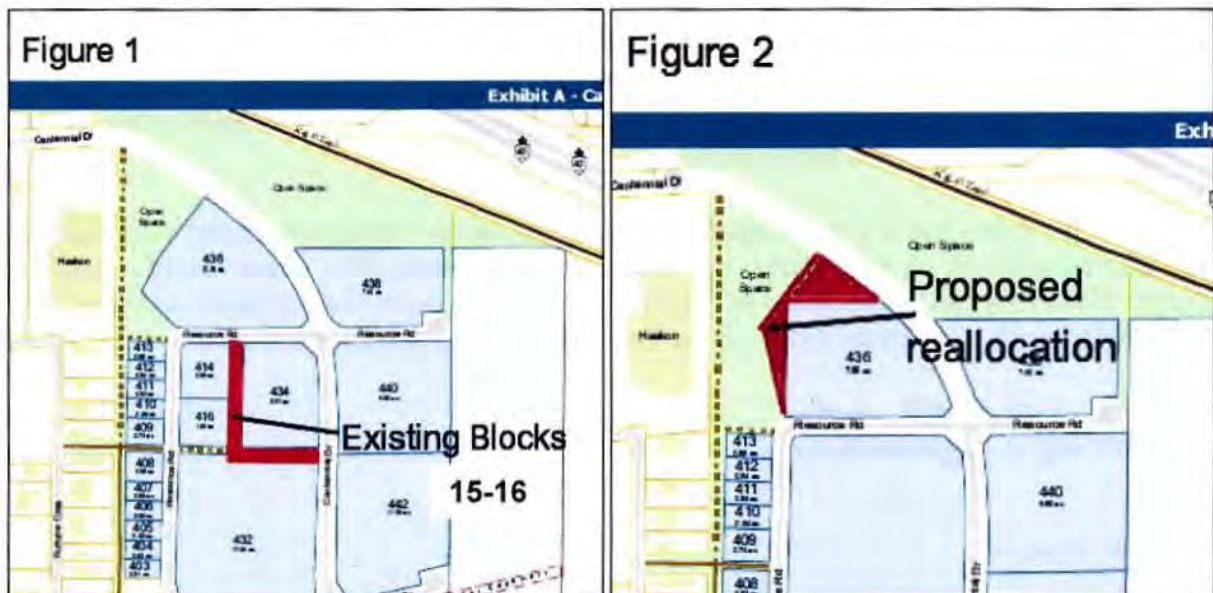
20 December 2011

Environmental Impact Assessment: Cataraqi Estates Business Park ADDENDUM - Proposed Open Space Reallocation

Further to discussions with Peter Huigenbos, Real Estate & Construction Services, the following constitutes a review of the proposal to reallocate Open Space in the western portion of the Cataraqi Estates Business Park. This review is prepared as an Addendum to the *Environmental Impact Assessment: Cataraqi Estates Business Park* report (Brunton Consulting Services, May 2010) which was appended to City of Kingston Report PC-10-054 to Planning Committee (3 June 2010).

Proposed Reallocation

The proposal would see the addition of the approximately 2 acres of land presently in Block 4 (Industrial Lot 436) to the adjacent Open Space area to compensate for the elimination of comparable sized Open Space lands in Blocks 15 and 16 on the Draft Plan of Subdivision (Figures 1 and 2). This reallocation would allow reconfiguration of the lots to the south to permit the development of a larger single industrial lot in that area.



Conservation Management Implications

As a well-established principle of conservation management, the establishment of fewer, larger natural units provides for better ecological outcomes than the maintenance of more but smaller landscape units. Shape is also important, with linear areas being substantially more vulnerable to negative edge effects (excessive light, predation, invasive organisms, etc.) than evenly shaped units. Assuming the lands involved support comparably significant natural features and functions the proposed reallocation is conceptually sound.

Blocks 15 and 16 then support disturbed Red Juniper coniferous and mixed forest, portions of which have characteristics of significant alvar forest vegetation. The May 2010 EIS concludes that this is not natural alvar forest but represents lower quality, culturally derived habitat (regenerating farm land). OMNR District Ecologist Todd Norris raised the concern, however, that the provincially rare Juniper Hairstreak (butterfly) utilizes Red Juniper groves in a small portion of the eastern end of Block 16 and then on the eastern side of Centennial Drive and requires protection. Part of the response to this was retention of Red Juniper vegetation in Block 16 and the encouragement of retention of similar Red Juniper groves during the site planning process for individual development properties. The Juniper Hairstreak is not scheduled as a protected or tracked species in Ontario (Ontario 2007)

The Open Space area to the northwest (Block 9) has been recognized by all investigators as possessing the highest quality alvar representation here. It also supported designated Species At Risk (Butternut trees).

The proposed reallocation, then, would delete mixed and alvar-like forest habitat in the south (Block 15 and 16) and add cultural alvar and mixed forest to the designated Open Space area. This addition would also provide habitat and buffering for the location into which a small population of the regionally significant alvar plant species Prairie-smoke (*Geum triflorum*) was successfully transplanted in late 2010.

Conclusions

There is a net conservation gain in the proposed reallocation of Block 4 lands to protected Open Space. Although the development of Blocks 15 and 16 represents a loss of natural/ near-natural habitat, the ecological quality of the Open Space addition is greater. That is particularly the case in terms of the contribution of ecological function benefits, specifically significant habitat representation and significant habitat buffering.

The one foreseeable loss is a small reduction in potential Juniper Hairstreak habitat at the eastern end of existing Block 16, adjacent to Centennial Drive. Mitigation of the minor loss of potential Juniper Hairstreak habitat can likely be achieved by an emphasis to retain suitable examples of such habitat on the Centennial Drive side of the resulting larger development site.



Daniel F. Brunton

BY-LAW NO. 2012-___

A BY-LAW TO AMEND ZONING BY-LAW NO. 76-26, "A BY-LAW TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN THE TOWNSHIP OF KINGSTON" (Modify Site Specific Zoning – 'M1-13', Cataraqui Estates Business Park)

PASSED: _____, 2012

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 No. 76-26, as amended, of the former Township of Kingston;

NOW THEREFORE the Council of The Corporation of the City of Kingston hereby ENACTS as follows:

1. By-Law No. 76-26 of The Corporation of the City of Kingston, entitled "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston", as amended, is hereby further amended as follows:

1. That Map 3 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject lands from 'M6-23', 'M1-12', 'M1-13' and 'OS' to 'M1-13' and from 'BP-2' to 'OS' as shown on Schedule "A" attached hereto and forming part of amending By-Law No. 2012-___.
2. That subsection 24(3)(m) be deleted in its entirety and replacing it with the following:
"(m) **Cataraqui Estates Business Park (bounded by Resource Road, Venture Drive and Centennial Drive)**
On the approximately 11.9 hectare parcel of land bounded by Resource Road, Venture Drive and Centennial Drive and zoned 'M1-13', the following regulations shall apply to the entire area zoned 'M1-13':
 - (a) Notwithstanding any provisions of Sections 4 or 5 hereof to the contrary, for the lands zoned 'M1-13' on Schedule "A" hereto, the Venture Road frontage will be considered the front yard.
 - (b) Notwithstanding any provisions of Sections 5 or 24 (1) hereof to the contrary, the lands zoned 'M1-13' on Schedule "A" hereto, may be used in accordance with the provisions of Sections 5 and 24 except that:
 - (i) ONLY PERMITTED USES:
Manufacturing, assembling, fabricating, and processing operations;
Construction and transportation activities and facility;
Storage, warehousing and wholesale trade activities;

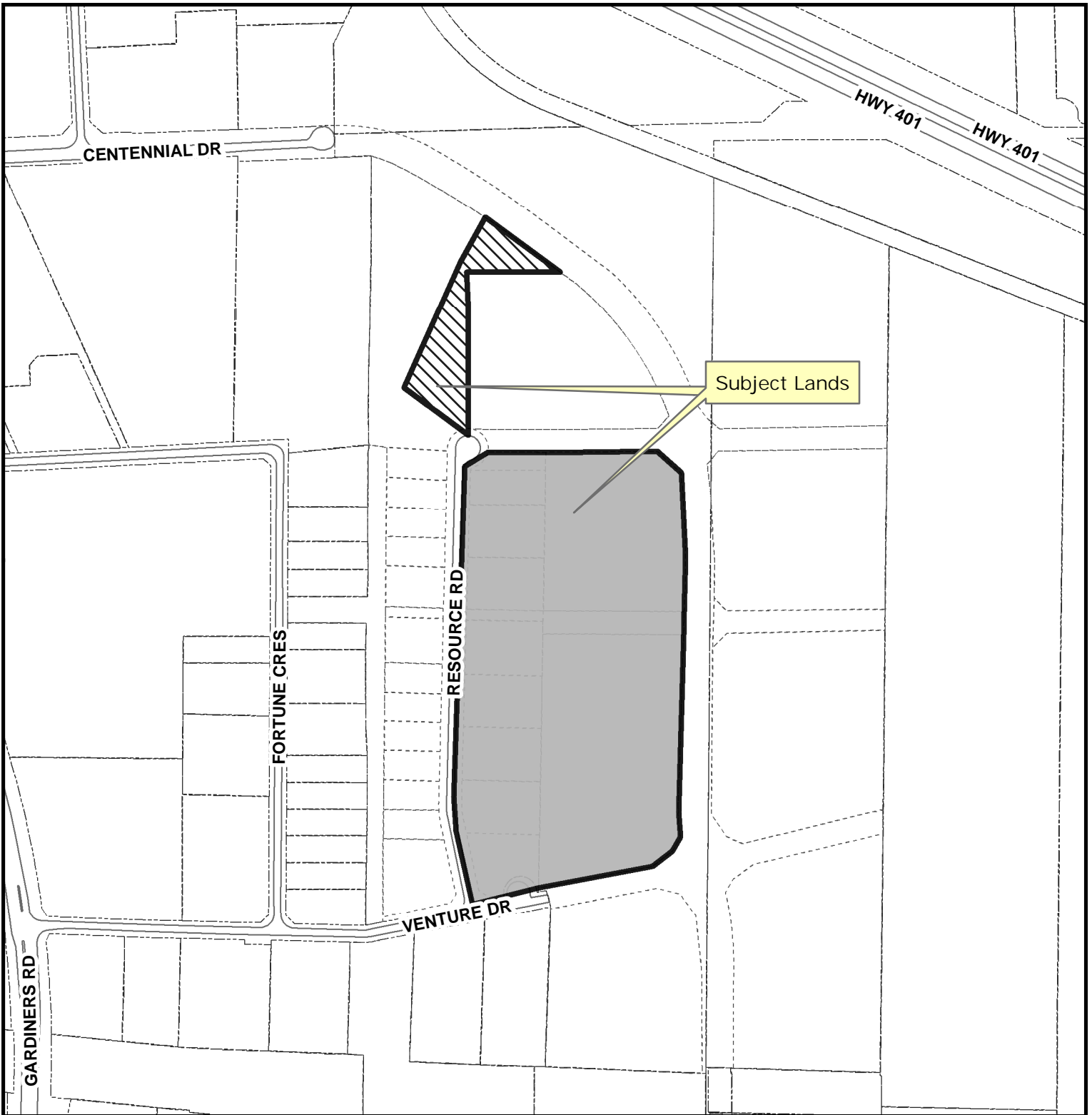
- Communications and utilities facility;
 Institutional uses with General Industrial characteristics, such as a trade school;
 Business and professional office provided that such use is located within 90 metres of the Resource Road frontage; and,
 Public use in accordance with Section 5(18) of By-Law No. 76-26.
- (ii) A maximum of 25% of the total floor area of a permitted use may be used for the purposes of a showroom, display area and retail sales for products that are manufactured, processed, fabricated or assembled on the premises.
 - (iii) ONLY COMPLEMENTARY PERMITTED USES:
 Office and business services such as printing and equipment repair intended to serve the General Industrial area;
 Restaurant;
 Financial institution;
 Personal services and convenience commercial;
 Automotive, heavy equipment or truck repair facility;
 Public and private parks and recreation facilities; and,
 Parking lots and parking structure.
 - (iv) MINIMUM FRONT YARD DEPTH : 10 metres
 - (v) MINIMUM EXTERIOR SIDE YARD WIDTH : 10 metres
 - (vi) MINIMUM INTERIOR SIDE YARD WIDTH: 3 metres
 - (vii) MINIMUM REAR YARD DEPTH : 7.6 metres
 - (viii) MAXIMUM BUILDING HEIGHT: 20 metres
 - (ix) MINIMUM PARKING REQUIREMENT FOR MANUFACTURING OR WAREHOUSE USE: 1 space per 100m² of gross floor area
 - (x) YARD IN WHICH REQUIRED PARKING AREA PERMITTED: Parking area may be permitted in the front yard, exterior side yard and rear yard provided that no part of any parking area, other than a driveway, is located closer than 7.6 metres to any street line
 - (xi) YARD IN WHICH LOADING SPACES ARE PERMITTED: Loading spaces shall be located in the exterior side yard or rear yard only provided that such loading space is located no closer than 18.3 metres to any street line"

2. This By-Law shall come into force and take effect on its passing, provided no Notice of Appeal is filed to this By-Law, all in accordance with the provisions of Section 34, Subsections 19 and 30 of the Planning Act, R.S.O. 1990, c. P. 13; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the provisions of Section 34, Subsections 19 and 30 of the Planning Act, R.S.O. 1990, c. P. 13 apply and the By-Law shall be deemed to have come into force and take effect on the day it was passed.

GIVEN ALL THREE READINGS AND PASSED _____, 2012

CITY CLERK

MAYOR



Planning &
Development
a department of
Sustainability &
Growth


THE CORPORATION OF THE CITY OF KINGSTON
SCHEDULE 'A'
TO BY-LAW NO. _____


Applicant: Corporation of The City of Kingston
File Number: D14-230-2011
Address: Lands bounded by Resource Rd,
Venture Dr & Centennial Dr
Legal Description: PART OF: KINGSTON CON 3 PT
LOTS 11 AND 12; AND RP 13R14969 PART 2 RP
13R17662 PART 1 RPN13R18261 PARTS 1 TO 4
RP 13R18629 PARTS 2 3 7 TO 9
ARN: PART OF 101108019012519

Legend:

Reference By-Law 76-26 MAP 3

Subject Lands

 Rezoned from 'BP-2' to 'OS'

 Rezoned from 'M1-12', 'M6-23' & 'OS' to 'M1-13'

Certificate of Authentication

This is Schedule 'A' to By-Law No. _____,
passed this _____ day of _____ 20____.

