



**City of Kingston
Planning Committee
Meeting Number 11-2024
Agenda**

**Thursday, May 16, 2024 at 6:00 p.m.
Hosted at City Hall in Council Chamber**

Please provide regrets to Christine O'Connor, Committee Clerk at 613-546-4291, extension 1219 or cloconnor@cityofkingston.ca

Committee Composition

Councillor Cinanni, Chair
Councillor Chaves
Councillor Glenn
Councillor M^cLaren
Councillor Oosterhof
Councillor Osanic

The meeting being held is a public meeting held under the Planning Act.

Notice of Collection – Personal information collected as a result of the public meetings are collected under the authority of the Planning Act and will be used to assist in making a decision on this matter. Persons speaking at the meeting are requested to give their name and address for recording in the minutes. All names, addresses, opinions and comments may be collected and may form part of the minutes which will be available to the public. Additionally, interested members of the public can email the Committee Clerk or the assigned planner if they wish to be notified regarding a particular application. Questions regarding this collection should be forwarded to the Director of Planning Services.

Tonight's meeting is to consider public meeting reports. These reports do contain a staff recommendation and the recommendation is typically to approve (with conditions) or to deny. After the planner's presentation, Committee members will be able to ask questions of staff, followed by members of the public. Following the question-and-answer period, this Committee then makes a recommendation on the applications to City Council who has the final say on the applications.

Following Council decision, notice will be circulated in accordance with the Planning Act. If a person or public body would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the Ontario Land Tribunal but the 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 is not entitled to appeal the decision.

1. Meeting to Order

2. Approval of the Agenda

3. Confirmation of Minutes

- a) **That** the minutes of the Planning Committee Meeting Number 10-2024, held Thursday, May 2, 2024, be approved.

4. Disclosure of Pecuniary Interest

5. Delegations

6. Briefings

7. Business

a) **Subject: Recommendation Report**

File Number: D14-002-2024

Address: 101, 87, 71, and 69 Union Street; 28 Division Street; 284 Earl Street, 174 and 176 University Avenue; 135, 137, and 139 Alfred Street

District: 10 -Sydenham

Application Type: Zoning By-Law Amendment

Owner: Queen's University

Applicant: Fotenn Consultants Inc.

The Report of the Commissioner of Growth & Development Services (PC-24-029) is attached.

Schedule Pages 1 – 52

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-002-2024) submitted by Fotenn Consultants Inc., on behalf of Queen's University, for the property municipally known as 101, 87, 71, and 69 Union Street; 28 Division Street; 284 Earl Street, 174 and 176 University Avenue; 135, 137, and 139 Alfred Street, be approved; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to

Amend Zoning By-Law Number 2022-62) to Report Number PC-24-029;
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.

b) Subject: Supplemental Report

File Number: D35-004-2022

Address: 2312 Princess Street

District: District 2 – Loyalist-Cataraqui

Application Type: Official Plan & Zoning By-Law Amendment

Owner: 2312 Princess Street Inc.

Applicant: Patry Inc.

The Report of the Commissioner of Growth & Developmental Services (PC-24-033) is attached.

Schedule Pages 53 – 59

Recommendation:

That the Planning Committee recommend to Council:

That the following recommendation in Report Number PC-24-010, Official Plan & Zoning By-Law Amendment – 2312 Princess Street, be referred back to Planning Committee for consideration at a Planning Committee meeting not later than the end of Q3 2024:

That the applications for Official Plan and zoning by-law amendments (File Number D35-004-2022) submitted by Patry Inc., on behalf of 976653 Ontario Inc., for the property municipally known as 2312 Princess Street, be approved; and

That the City of Kingston Official Plan, as amended, be further amended, Amendment Number 88, as per Exhibit A, (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-24-010; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A and

B to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-010; 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; and

That staff be directed to provide a supplementary report at a Planning Committee meeting not later than the end of Q3 2024, providing details the revised proposal.

8. Motions

9. Notices of Motion

10. Other Business

11. Correspondence

12. Date of Next Meeting

The next meeting of the Planning Committee is scheduled for Thursday, May 30, 2024 at 6:00 p.m.

13. Adjournment

1. Approved Site Plan Items:

- D11-014-2023 – 290 Queen Street
- D11-024-2021 – 705 Development Drive
- D11-046-2020 – 870 Centennial Drive
- D11-029-2021 – 2702 2 Highway
- D11-004-2023 – 1752 Bath Road
- D11-046-2020 – 870 Centennial Road
- D11-016-2022 – 1533 McAdoo’s Lane
- D11-005-2023 – 44 Barbara Avenue

2. Applications Appealed to the Ontario Land Tribunal:

1. 2 River Street – OLT-22-004597 – OPA/ZBA – 5-week Hearing commenced on February 5, 2024. Hearing concluded. Waiting on written decision.
2. 51 Alwington Avenue – OLT-24-000416 – Minor Variance – Appeal record submitted to the Tribunal. Awaiting hearing date.

3. Links to Land Use Planning Documents:

Planning Act: <https://www.ontario.ca/laws/statute/90p13>

Provincial Policy Statement: <https://www.ontario.ca/page/provincial-policy-statement-2020>

City of Kingston Official Plan: <http://www.cityofkingston.ca/business/planning-and-development/official-plan>

City of Kingston Zoning By-Laws: <https://www.cityofkingston.ca/business/planning-and-development/zoning>



**City of Kingston
Report to Planning Committee
Report Number PC-24-029**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: May 16, 2024
Subject: Recommendation Report
File Number: D14-002-2024
Address: 101, 87, 71, and 69 Union Street; 28 Division Street; 284 Earl Street, 174 and 176 University Avenue; 135, 137, and 139 Alfred Street
District: 10 - Sydenham
Application Type: Zoning By-Law Amendment
Owner: Queen's University
Applicant: Fotenn Consultants Inc.

Council Strategic Plan Alignment:

Theme: 5. Drive Inclusive Economic Growth

Goal: 5.3 Diversify Kingston's economic base.

Executive Summary:

The following is a report recommending approval to the Planning Committee regarding an application for a zoning by-law amendment submitted by Fotenn Consultants Inc., on behalf of Queen's University, with respect to the subject sites located on the main campus of Queen's University. Properties included within the subject lands include 101, 87, 71, and 69 Union Street; 28 Division Street; 284 Earl Street, 174 and 176 University Avenue; 135, 137, and 139 Alfred Street.

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The subject lands are developed with several buildings associated with Queen’s University, including Mitchell Hall at 69 Union Street, the John Deutsch University Centre (JDUC) at 87 Union Street, the Queen’s University Aquatics and Recreation Centre (ARC) at 284 Earl Street, Stauffer Library at 101 Union Street, and the School of Kinesiology and Health Studies at 28 Division Street. Additionally, the subject lands include several residential homes owned by Queen’s University and used for student housing at 135-139 Alfred Street and 174-176 University Avenue.

The subject lands are zoned the site-specific E.71 and E.265 Zones from Zoning By-Law Number 8499 and are treated as a red exception in the Kingston Zoning By-Law. Most other buildings on the Queen’s University campus are subject to the Institutional Major (IN2) Zone in the Kingston Zoning By-Law. The applicant has proposed that all buildings within the subject lands be brought into the Kingston Zoning By-Law and be zoned IN2, with permissions previously established in the site-specific zones to be carried forward into new Exception Overlays which will apply to the subject lands. This will allow the lands to be reviewed according to the performance standards of the modern Kingston Zoning By-Law, which is based on contemporary best practices for planning and development.

The ARC, JDUC, and Mitchell Hall are subject to the site-specific E.71 Zone which permits certain complementary commercial uses to operate within these buildings as an accessory to the primary university use. As part of the proposed Zoning By-Law amendment, the applicant has proposed to expand the number of permitted complementary commercial uses that will be permitted to operate within these buildings, allowing alternative operators of the commercial spaces on the subject properties. The Shaffer Library currently subject to exception E.265 which regulates the built form of the library. These provisions will be carried over in a new Exception Overlay.

This proposed Zoning By-Law amendment is technical in nature and no physical development is proposed for buildings on any of the subject lands. The purpose of this proposal is to allow for a wider range of complementary commercial uses for the ARC, JDUC, and Mitchell Hall, while also bringing the broader subject lands into the new comprehensive Kingston Zoning By-Law which will make the lands subject to modern performance standards which reflect current best practices in planning and development.

Recommendation:

That the Planning Committee recommends to Council:

That the application for a zoning by-law amendment (File Number D14-002-2024) submitted by Fotenn Consultants Inc., on behalf of Queen’s University, for the property municipally known as 101, 87, 71, and 69 Union Street; 28 Division Street; 284 Earl Street, 174 and 176 University Avenue; 135, 137, and 139 Alfred Street, be approved ; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit A (Draft By-Law and Schedule A to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-029; and

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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.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Priorities	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:

Statutory Public Meeting and Recommendation Report

Planning Services is recommending the public meeting and recommendation report are heard concurrently at the May 16, 2024, Planning Committee meeting based on the following:

- The proposal is compatible with the Provincial Policy Statement (2020) and the Kingston Official Plan;
- The proposal is considered minor in nature;
- The proposal involves a change in non-residential use and does not contemplate development at this time; and
- Combining the Public Meeting and the recommendation report facilitates the streamlining of the development approval process, thereby decreasing application processing time.

This recommendation report forms the basis of a statutory public meeting at Planning Committee. Anyone who attends the statutory public meeting may present an oral submission, and/or provide a written submission on the proposed application. 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 would otherwise have an ability to appeal the decision of the Council of the Corporation of the City of Kingston to the Ontario Land Tribunal but the 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 is not entitled to appeal the decision. 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 Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Planning Committee will consider the recommendations in this report and make its recommendation to City Council at this meeting.

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

Jacob Slevin, Planner
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 2176
jslevin@cityofkingston.ca

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Background and Decision Date

In accordance with By-Law Number 2007-43, this application was subject to a pre-application. A pre-application meeting was held on December 12, 2023, during the pre-application process.

Following the pre-application process, a complete application was submitted by the applicant and was deemed to be complete as of March 6, 2024. Initially, the proposed Zoning By-Law amendment application was more limited in scope. Following further discussion with Planning staff, the applicant chose to expand the scope of the Zoning By-Law amendment to a neighbouring property that was still zoned a site-specific zone under the former City of Kingston Zoning By-Law. This was done in the interest of increasing the extent of the lands subject to the modern performance standards of the current Kingston Zoning By-Law, which better reflects current best practices in planning. Following these discussions, the applicants submitted a revised draft zoning by-law, and the revised application was deemed to be complete on April 9, 2024.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before June 4, 2024, which is 90 days after a complete application was received. In the absence of a decision by Council in this timeframe, the City will be required to refund the fees that were paid by the applicant on the subject application and the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT).

Site Characteristics

The subject lands are located on the Queen's University campus, north of Union Street, west of Division Street, south of Earl Street, and east of Alfred Street. The subject lands have an area of approximately 5.2 hectares with frontage onto Alfred Street, University Avenue, Division Street, Earl Street, and Union Street (Exhibit B – Key Map).

The lands are developed with a variety of buildings and uses, all of which are associated with Queen's University. The buildings at 135-139 Alfred Street and 174-176 University Avenue are residential homes used for student housing which are owned by Queen's University. Stauffer Library is located at 101 Union Street and contains a library, study space, offices, and meeting rooms. The John Deutsch University Centre (JDUC) at 87 Union Street contains a variety of offices used by faculty members, student government organizations, and student clubs. The JDUC also contains study space and some accessory commercial uses. Mitchell Hall at 71-69 Union Street contains classrooms, laboratories, gymnasiums, an examination centre, with some accessory commercial uses. The School of Kinesiology and Health Studies building at 28 Division Street contains classrooms and lecture halls. The Queen's University Aquatics and Recreation Centre (ARC) at 284 Earl Street includes institutional uses and several accessory commercial uses.

All of the properties on the subject lands are considered to be institutional uses with accessory commercial uses in the ARC, JDUC, and Mitchell Hall. The surrounding context includes other institutional uses as part of the Queen's University campus to the east, south, and west. To the north of Earl Street is residential land uses comprised of a variety of built forms.

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The subject lands are all designated as Institutional in the Official Plan (Exhibit E – Official Plan Map). The lands containing Stauffer Library at 101 Union Street and the student residence buildings at 135-139 Alfred Street and 174-176 University Avenue are all subject to the E.265 zone in the former City of Kingston Zoning By-Law Number 8499.

The lands containing the JDUC at 87 Union Street, Mitchell Hall at 71-69 Union Street, the School of Kinesiology and Health Studies building at 28 Division Street, and the ARC at 284 Earl Street are all subject to the E.71 zone in the former City of Kingston Zoning By-Law 8499 (Exhibit H – Existing Zoning Map).

The JDUC, Mitchell Hall, and the School of Kinesiology and Health Studies building are all protected under the 1998 heritage easement agreement between the City of Kingston and Queen’s University (the “Queen’s Easement Agreement”) pursuant to Part IV of the *Ontario Heritage Act*. Stauffer Library as well as the student residence buildings are all Listed Properties under the *Ontario Heritage Act*. No physical development is proposed as part of this Zoning By-Law amendment application and no impacts to these heritage properties are anticipated.

The subject properties are well served by Kingston Transit with nearly 20 stops in walking distance that are served variably by Kingston Transit Bus Routes 1,2 3,4 and 12 and Express Routes 501/502, 601/602, 701/702 and 801/802. Both an express transit stop and regular transit stop are located within approximately 200 metres of the properties. Vehicular access to the properties is provided from Alfred Street, University Avenue, and through the adjacent property via Division Street. Pedestrian access is highly prioritized from University Avenue, Union Street, and Earl Street with sidewalks and pathways. Dedicated cycling lanes are located along University Avenue and Union Street.

Proposed Application and Submission

The applicant is proposing a zoning by-law amendment for the subject property. This application would rezone the entire subject lands to the Institutional Major (IN2) zone in the new Kingston Zoning By-Law. This proposed IN2 would conform to the buildings on the Queen’s University campus in the surrounding area.

The zoning by-law amendment would also have the effect of creating two new Exception Overlays (Exhibit A – Schedule B, Exception Overlay). Exception Overlay (E163) would apply to the lands containing the JDUC, Mitchell Hall, and the ARC, and would allow a variety of accessory commercial uses in the existing buildings and carry forward site-specific permissions granted to these lands under the E.71 zone which is currently in effect.

Exception Overlay E164 would apply to the lands containing Stauffer Library at 101 Union Street. The effect of this second Exception Overlay would be to carry forward the site-specific permissions which apply to these lands under the E.265 zone which is currently in effect.

For the School of Kinesiology and Health Studies building at 28 Division Street and the student residence buildings at 135-139 Alfred Street and 174-176 University Avenue, only the IN2 zone would apply to these lands. No Exception Overlay is proposed for these properties.

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

- Concept Plan
- Planning Justification Report and Draft By-Law

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

Provincial Policy Statement

The Provincial Policy Statement (2020) 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.

The subject lands are located within a Settlement Area as defined by the Provincial Policy Statement (2020) and are developed with a number of institutional buildings associated with Queen’s University. The proposed Zoning By-Law amendment will bring the subject properties into the IN2 zone and permit expanded complementary commercial uses within the ARC, JDUC, and Mitchell Hall buildings. This Zoning By-Law amendment will support the goals established in the Provincial Policy Statement (2020) by supporting diversified employment opportunities and economic activities within the buildings mentioned above. Queen’s University is an important institutional use that contributes significantly to the City in terms of employment, education, and general economic activity. This proposal supports the institution of Queen’s University by facilitating diversified economic activity and by bringing several campus buildings into the more modern Kingston Zoning By-Law.

This application for a zoning by-law amendment is consistent with the Provincial Policy Statement (2020). A detailed review of how this proposal complies with the applicable policies is attached in Exhibit D.

Official Plan Considerations

The subject lands are inside the City’s Urban Boundary and are located within a Housing District as shown on Schedule 2 – City Structure of the Official Plan. The subject lands are designated Institutional in the Official Plan (Exhibit E – Official Plan Map) and the intention for these lands is to support institutional land uses as an important component of the City and its employment base, as well as providing services to the public. Permitted primary uses within Institutional lands include post-secondary institutions such as Queen’s University, as well as hospitals and care facilities, extended care complexes, correctional facilities, military establishments, and government administrative centres. As a major institution within the City of Kingston with several landholdings, the Official Plan details a number of policies which apply to Queen’s University specifically in Section 3.5.A of the Official Plan.

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The Institutional land use designation in the Official Plan permits complementary commercial uses which support post-secondary institutions such as Queen’s University. The proposed Exception Overlay in the zoning will allow for a wider variety of appropriate complementary commercial uses in certain buildings, which is consistent with Official Plan direction regarding permitted uses within Institutional designated lands.

The applicant’s proposal is considered by Planning staff to be in conformity with the policies of the Official Plan. A detailed review of the applicable policies is attached in Exhibit F.

Zoning By-Law Discussion

The subject lands are currently zoned E.71 and E.265 from the former City of Kingston Zoning By-Law Number 8499 (Exhibit H – Existing Zoning Map). The existing E.71 and E.265 zones permit various Institutional land uses, including universities and colleges and establish a number of specific provisions which apply to the subject lands. All lands subject to this application will be rezoned to the IN2 Zone in the Kingston Zoning By-law and most of the site-specific provisions from the former zoning by-law will be carried forward into the new zoning via the proposed Exception Overlays E163 and E164.

The E.71 Zone currently applies to lands which include the ARC, the JDUC, Mitchell Hall, and the School of Kinesiology and Health Studies building (Exhibit H – Existing Zoning Map). The provisions of the E.71 zone permit a number of complementary commercial uses within these lands. Other provisions of the zone prohibiting show or display windows associated with the commercial uses, prohibiting commercial signs visible from the exterior of the building, and restricting direct access of the commercial uses from the outside of the building.

The proposed Exception Overlay E163 will maintain most of the provisions established in the E.71 zone. The primary change between the existing zone and the proposed Exception Overlay will be to expand the list of permitted complementary commercial uses. The proposed commercial uses are appropriate for an Institutional post-secondary land use context. While the School of Kinesiology and Health Studies building is subject to the E.71 zone, the proposed Exception Overlay E163 will not apply to this building as complementary commercial uses are not existing or proposed for this building (Exhibit A – Schedule B, Exception Overlay).

See Table 1 below for a comparison of the existing site-specific E.71 zone the proposed Exception Overlay E163.

Table 1 – Zoning Comparison Table (E.71 Zone and Exception Overlay E163)

Zone Provision	Existing Zone – E.71 (City of Kingston Zoning By-Law 8499)	Proposed Exception Overlay – E163 (Kingston Zoning By-Law 2022-62)
E.71(a)	In addition to the uses permitted in Section 17.2 of By-Law Number	In addition to the uses permitted by the applicable Zone, the following

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	<p>8499, the following uses shall also be permitted:</p> <ul style="list-style-type: none"> • Bank • Drug and sundry store • Laundromat • Dry cleaning outlet • Barber shop • Hairdresser or hair stylist service • Bookstore 	<p>complementary commercial uses are permitted:</p> <ul style="list-style-type: none"> • Creativity centre • Financial institution • Fitness centre • Grocery store • Laundry store • Office • Personal service shop • Place of worship • Restaurant • Retail store • Wellness clinic
E.71(b)	The uses listed in (a) above shall not occupy more than 882.6 square metres of floor space in total.	Provision not included in Exception Overlay E.163.
E.71(c)	Buildings within which any of the uses mentioned in (a) above are located shall not contain any show or display windows associated with these uses and which are visible from the exterior of the building.	Buildings within which any of the complementary commercial uses are located shall not contain any show or display windows associated with these uses and which are visible from the exterior of the building.
E.71(d)	There shall be no commercial signs visible from the exterior of the building.	There shall be no commercial signs visible from the exterior of the building.
E.71(e)	Access to the uses listed in (a) above shall not be directly from the external part of the building but shall be from common corridors within the building, except that	Access to the complementary commercial uses shall not be directly from the external part of the building but shall be from common corridors within the building, except that those uses which

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	those uses which require direct service entrances from any street may have such entrance provided that they are used for that purpose only.	require direct service entrances from any street or uses which include an outdoor patio, may have such entrance provided that they are used for that purpose only.
E.71(f)	<p>Building Setback from University Avenue (minimum): 6.0 metres</p> <p>Building Setback from Union Street (minimum): 9.53 metres</p> <p>Building Setback from Division Street (minimum): 0.0 metres</p> <p>Building Setback from Earl Street (minimum): 0.0 metres</p> <p>Interior Side Yard Setback - East side (minimum): 3.2 metres</p> <p>Interior Side Yard Setback – West side (minimum): 3.6 metres</p>	<p>Building Setback from University Avenue (minimum): 6.0 metres</p> <p>Building Setback from Union Street (minimum): 9.53 metres</p> <p>Building Setback from Division Street (minimum): 0.0 metres</p> <p>Building Setback from Earl Street (minimum): 0.0 metres</p> <p>Interior Side Yard Setback - East side (minimum): 3.2 metres</p> <p>Interior Side Yard Setback – West side (minimum): 3.6 metres</p>

The site-specific E.265 zone currently applies to the lands which include Stauffer Library at 101 Union Street and to the student residence buildings at 135-139 Alfred Street and 174-176 University Avenue (Exhibit H – Existing Zoning Map), This exception establishes requirements for minimum setbacks and a maximum height limit for Stauffer Library and regulates setbacks and parking requirements for the student residence buildings at 135-139 Alfred Street and 174-176 University Avenue.

The proposed Exception Overlay E164 will maintain the setback requirements and maximum height provisions relating to Stauffer Library. The student residence buildings at 135-139 Alfred Street and 174-176 University Avenue will not be included within the boundaries of the Exception Overlay E164 and will be rezoned to IN2 without any Exception Overlay applying to these properties. This is because the IN2 zone permits residential uses which are associated with a post-secondary institution and establishes appropriate performance standards for these residential uses.

Table 2 – Zoning Comparison Table (E.265 Zone and Exception Overlay E164)

Zone Provisio	Existing Zone – E.265 (City of Kingston Zoning By-Law 8499)	Proposed Exception Overlay – E164 (Kingston Zoning By-Law 2022-62)
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<p>E.265(i)</p>	<p>The minimum setback requirements for the proposed library building shall be as follows:</p> <p>From Union Street: 6.79 metres</p> <p>From Alfred Street: 0.00 metres</p> <p>From University Avenue: 0.00 metres</p> <p>Rear Yard: 23.0 metres, which shall be measured between the rear wall of the library and the property line, notwithstanding any other structures located in the rear yard area.</p>	<p>The minimum setback requirements for the library building shall be as follows:</p> <p>i. From Union Street: 6.79 metres</p> <p>ii. From Alfred Street: 0.00 metres</p> <p>iii. From University Avenue: 0.00 metres</p>
<p>E.265(ii)</p>	<p>The maximum library building height, measured to the top of the mechanical shaft on Alfred Street, shall be 31.0 metres.</p>	<p>The maximum library building height, measured to the top of the mechanical shaft on Alfred Street, shall be 31.0 metres.</p>
<p>E.265(iii)</p>	<p>A six (6) unit row dwelling shall be permitted at the northwest corner of the property subject to the following regulations:</p> <p>(a) the minimum setback from Alfred Street shall be 2.4 metres;</p> <p>(b) the minimum side yard setback on the north side of the dwelling shall be 2.0 metres;</p> <p>(c) a minimum of six off-street parking spaces shall be provided in accordance with the provisions of Section 5.3 of this by-law.</p>	<p>Not included in Exception Overlay E.164.</p>
<p>E.265(iv)</p>	<p>Notwithstanding the provisions of Section 17 of this by-law, the existing three unit dwelling located at 174 University Avenue and the existing two unit dwelling located at 176 University Avenue shall be</p>	<p>Not included in Exception Overlay E.164.</p>

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	<p>deemed to be a use of land and building conforming with the provisions of this by-law. No extension, expansion or structural alteration of any kind which does not conform with the regulations set out in Section 6.3 of this by-law or which has the effect of creating an additional dwelling unit within or attached to the said buildings shall be permitted. A minimum of five off-street parking spaces shall be provided in accordance with the provisions of Section 5.3 of this by-law.</p>	
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Other Applications

The JDUC building at 87 Union Street is currently undergoing renovations, which were approved through a Site Plan Control Modification application (D11-023-2020).

Technical Analysis

This application has been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding issues with this application remain at this time.

Public Comments

A Public Meeting is being held on May 16, 2024, with respect to this application. This Public Meeting will be held concurrently with the submission of this recommendation report. There have been no written public concerns or comments received at time of preparing this report. Any correspondence received before the Public Meeting will be provided to the Committee and the applicant prior to the Public Meeting on May 16, 2024.

Effect of Public Input on Draft By-Law

No public comments were received at the time this report was prepared.

Conclusion

The proposed Zoning By-Law amendment application is recommended for approval for the reasons outlined throughout this report. Approval of this proposal will widen the number of permitted commercial uses within the JDUC, the ARC, and Mitchell Hall. This will enable greater flexibility when selecting commercial operators within these buildings, allowing for appropriate

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accessory commercial uses to meet the needs of post-secondary students. Additionally, this proposal will have the effect of bringing the entire subject lands into the IN2 zone of the Kingston Zoning By-Law.

This application is consistent with the PPS, conforms to the intent of the Official Plan, and represents good land use planning, and as such the application is recommended for approval.

Existing Policy/By-Law:

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

Provincial

Planning Act

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

Notice Provisions:

Pursuant to the requirements of the *Planning Act*, notice of the statutory public meeting was provided 20 days in advance of the public meeting in the form of a sign posted on the subject property and by mail to 187 property owners (according to the latest Assessment Rolls) within 120 metres of the subject lands. In addition, a courtesy notice was placed in The Kingston Whig-Standard on May 13, 2024.

If the application is approved, a Notice of Passing will be circulated in accordance with the provisions of the *Planning Act*.

At the time of writing of this report, no written public correspondence has been received and all planning related matters have been addressed within the body of this report. Any public correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

Accessibility Considerations:

None

May 16, 2024

Page 15 of 15

Financial Considerations:

None

Contacts:

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

Jacob Slevin, Planner, 613-546-4291 extension 2176

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

- | | |
|-----------|--|
| Exhibit A | Draft By-Law and Schedules |
| Exhibit B | Key Map |
| Exhibit C | Neighbourhood Context |
| Exhibit D | Consistency with the Provincial Policy Statement |
| Exhibit E | Official Plan, Land Use Map |
| Exhibit F | Conformity with the Official Plan |
| Exhibit G | Zoning By-Law Number 2022-62 Map |
| Exhibit H | Existing Zoning Map |
| Exhibit I | Site Photographs |
| Exhibit J | Public Notice Map |

By-Law Number 2024-XX

A By-Law to Amend By-law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (Transfer of Lands into Kingston Zoning By-law, Zone Change to ‘IN2’, and Introduction of Exception Numbers E163 and E164, (101, 87, 71 and 69 Union Street; 28 Division Street; 284 Earl Street; 174 and 176 University Avenue; 135, 137 and 139 Alfred Street))

Passed: [Meeting Date]

Whereas the Council of The Corporation of the City of Kingston enacted By-law Number 2022-62, “Kingston Zoning By-law Number 2022-62” (the “Kingston Zoning By-law”);

Whereas the subject lands are identified as “Not Subject to this By-law” on Schedule 1 of the Kingston Zoning By-law;

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

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

1. By-law Number 2022-62 of The Corporation of the City of Kingston, entitled “Kingston Zoning By-law Number 2022-62”, is amended as follows:
 - 1.1. Schedule 1 – Zoning Map is amended by removing reference to “Not Subject to this By-law”, and by adding the zone symbol ‘IN2’ and by changing the zone symbol of the subject lands to ‘IN2’, as shown on Schedule “A” attached to and forming part of this By-Law.
 - 1.2. Schedule E – Exception Overlay is amended by adding Exception Numbers E163 and E164, as shown on Schedule “B” attached to and forming part of this By-Law.
 - 1.3. By adding the following Exception Number E163 in Section 21 – Exceptions, as follows:

“**E163.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

- (a) In addition to the **uses** permitted by the applicable Zone, the following complementary commercial **uses** are permitted:
 - (i) **creativity centre**;
 - (ii) **financial institution**;
 - (iii) **fitness centre**;
 - (iv) **grocery store**;
 - (v) **laundry store**;
 - (vi) **office**;
 - (vii) **personal service shop**;
 - (viii) **place of worship**;
 - (ix) **restaurant**;
 - (x) **retail store**; and
 - (xi) **wellness clinic**;
- (b) Show or display windows, and commercial signage associated with any permitted complementary commercial **uses** that are visible from the exterior of the **building** are prohibited;
- (c) Complementary commercial **uses** will be accessed from common corridors within the **building**. Access to complementary commercial **uses** is not permitted directly from an external part of the **building**, except in cases where those **uses** require direct service entrances from any **street** or where the **use** includes an outdoor **patio**;
- (d) The minimum **setback** from University Avenue is 6.0 metres;
- (e) The minimum **setback** from Union Street is 9.53 metres;
- (f) The minimum **setback** from Division Street is 0.0 metres;
- (g) The minimum **setback** from Earl Street is 0.0 metres;
- (h) The interior **side yard setback** on the east side is 3.2 metres; and
- (i) The interior **side yard setback** on the west side is 3.6 metres”

- 1.4. By adding the following Exception Number E164 in Section 21 – Exceptions, as follows:

 “**E164.** Despite anything to the contrary in this By-law, the following provisions apply to the lands subject to this Exception:

 (a) The minimum **setback** from Union Street is 6.79 metres;

 (b) The minimum **setback** from Alfred Street is 0.0 metres;

 (c) The minimum **setback** from University Avenue is 0.0 metres; and

 (d) The maximum **building height** measured to the top of the mechanical shaft on Alfred Street is 31 metres.”
2. The lands shown on Schedule “A” attached to and forming part of this By-Law are incorporated into the Kingston Zoning By-law and the provisions of City of Kingston By-Law Number 8499, entitled "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston", as amended, no longer apply to the lands.
3. This By-Law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

Janet Jaynes
City Clerk

Bryan Paterson
Mayor



Schedule 'A' to By-Law Number

Address: 69-101 Union Street, 28 Division Street,
284 Earl Street, 174-176 University Avenue,
135-139 Alfred Street
File Number: D14-002-2024

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

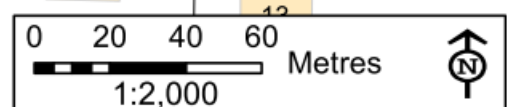
Lands to be Rezoned from NA to IN2

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____, passed this _____ day of _____ 2024.

Mayor

Clerk





Kingston
Planning
Services

Schedule 'B' to By-Law Number



Address: 69-101 Union Street, 28 Division Street, 284 Earl Street, 174-176 University Avenue, 135-139 Alfred Street
File Number: D14-002-2024

Certificate of Authentication

This is Schedule 'B' to By-Law Number _____, passed this _____ day of _____ 2024.

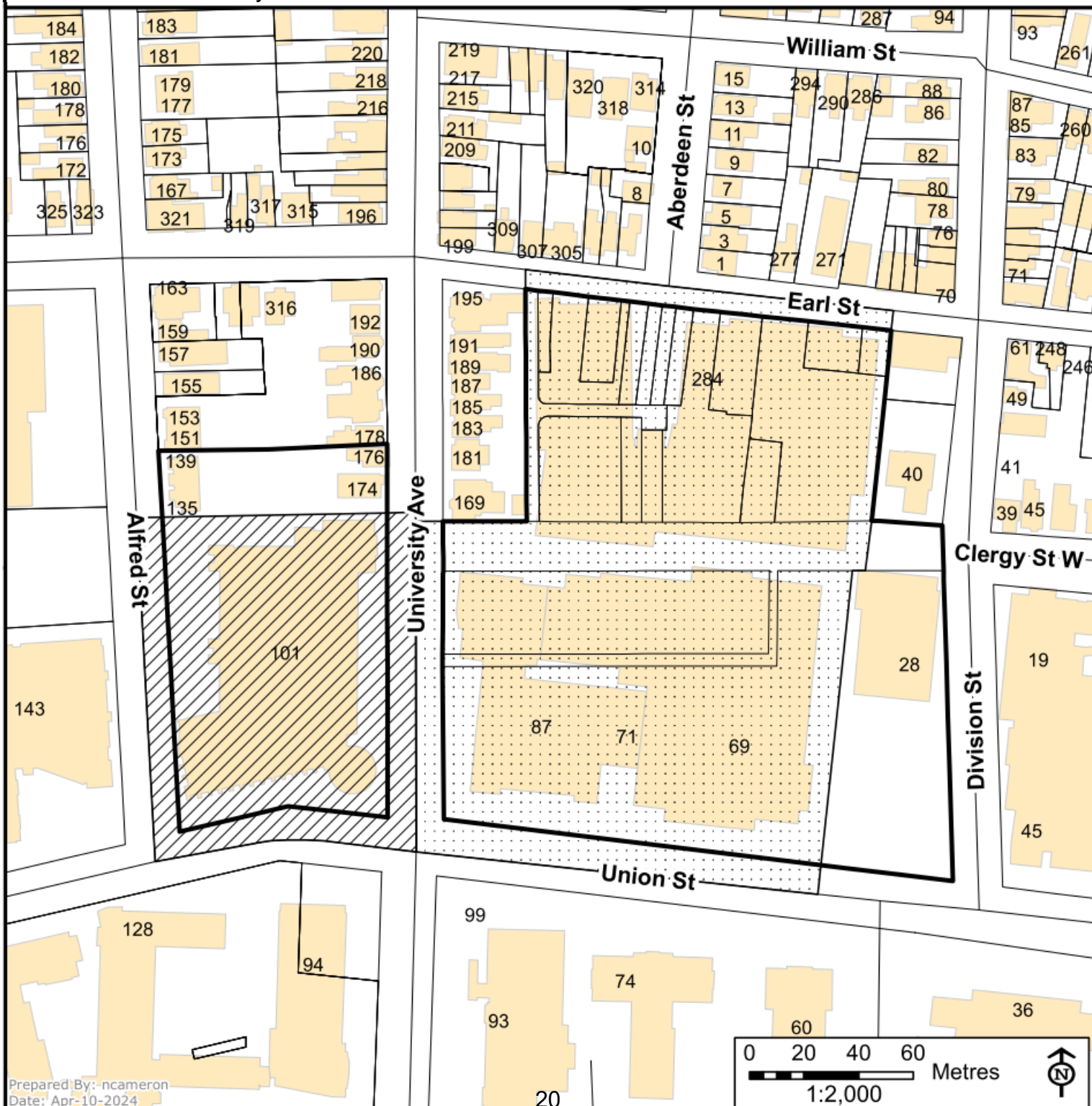
Kingston Zoning By-Law 2022-62 Schedule E - Exception Overlay

Sch E Exception Number

-  Lands to be added as E164
-  Lands to be added as E163

Mayor

Clerk

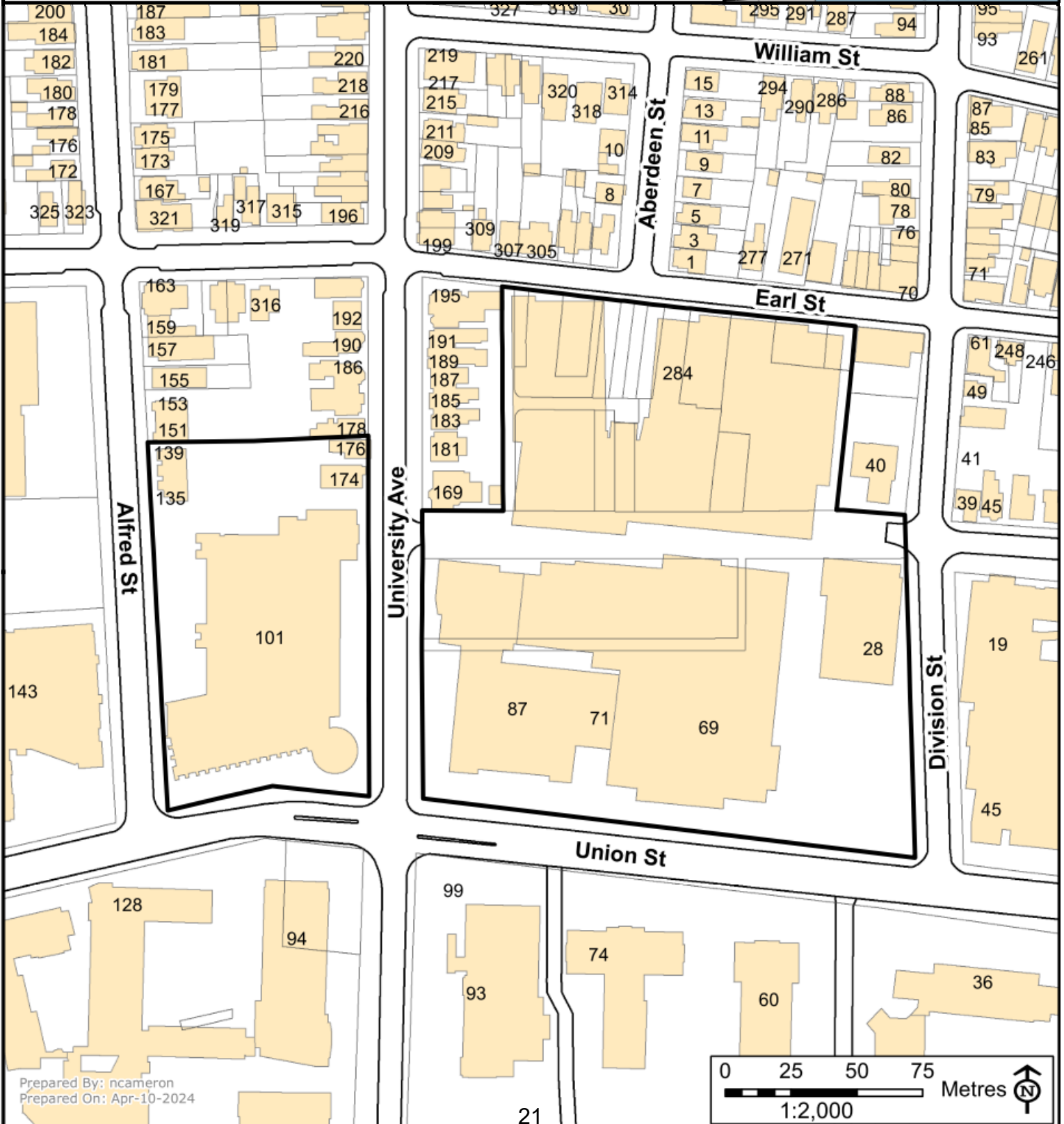
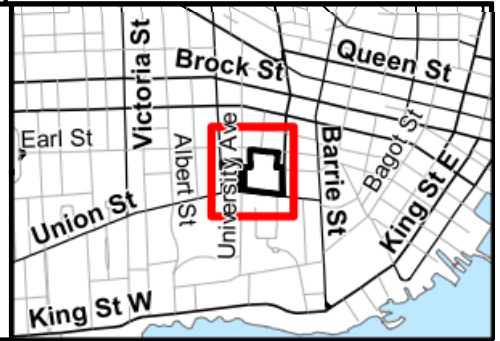




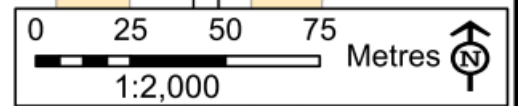
Planning Committee Key Map

Address: 69-101 Union St., 28 Division St., 284 Earl St.,
174-176 University Ave., 135-139 Alfred St.
File Number: D14-002-2024
Prepared On: Apr-10-2024

Subject Lands



Prepared By: ncameron
Prepared On: Apr-10-2024



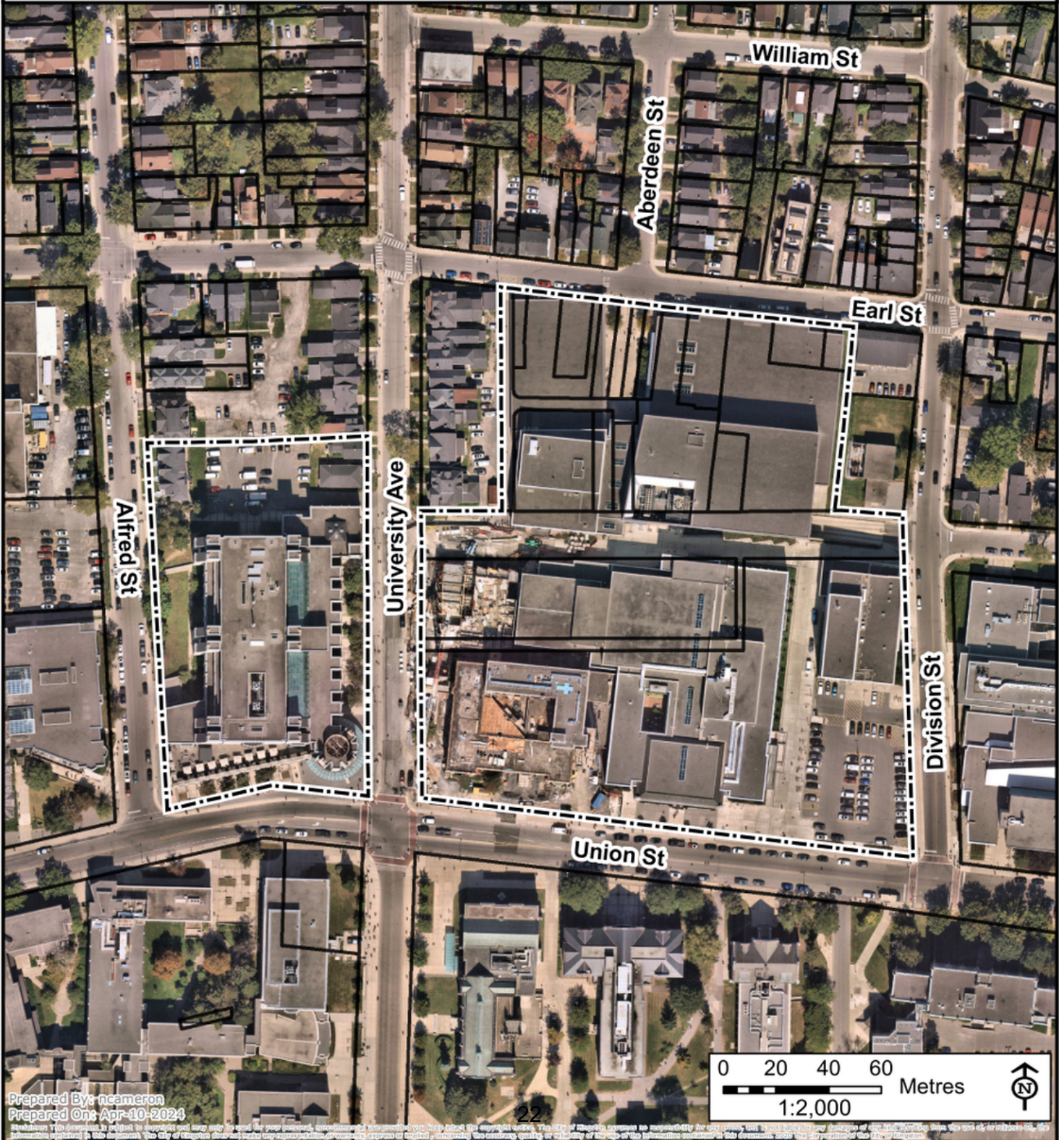
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Planning Committee Neighbourhood Context

Address: 69-101 Union St., 28 Division St., 284 Earl St., 174-176 University Ave., 135-139 Alfred St.
File Number: D14-002-2024
Prepared On: Apr-10-2024

- Subject Lands
- Property Boundaries
- Proposed Parcels



Demonstration of How the Proposal is Consistent with the Provincial Policy Statement

Policy Number	Policy	Category	Consistency with the Policy
1.1.1.	<p>Healthy, livable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, 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;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns,</p>	Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns	<p>The proposed minor zoning by-law amendment seeks to allow additional complementary commercial uses, which will continue to support the institutional and residential use of the subject properties.</p> <p>The proposal represents an efficient and cost-effective land use pattern within the City’s urban boundary that will not increase land consumption or servicing costs.</p> <p>The proposal will not result in any impacts to public health, public safety or the environment.</p> <p>The proposal will not prevent potential future expansion of the settlement area.</p> <p>The properties are located within walking distance of numerous transit stops including Express transit stops, providing an opportunity to increase ridership and optimize previous investments made in public transit infrastructure</p> <p>The proposal will comply with the Accessibility for Ontarians with Disabilities Act (AODA). The</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>optimization of transit investments, and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</p> <p>h) promoting development and land use patterns that conserve biodiversity; and</p> <p>i) preparing for the regional and local impacts of a changing climate.</p>		<p>proposed amendment is technical in nature, as such, existing infrastructure is sufficient to support the proposal.</p>
1.1.3.1.	<p>Settlement areas shall be the focus of growth and development.</p>	Settlement Areas	<p>The properties are located within the City's urban boundary, where growth and development are directed. The proposal will not facilitate any physical growth, but rather will permit economic development by allowing diversified commercial uses within the proposed Exception Overlay E163.</p>
1.1.3.2.	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <p>a) efficiently use land and resources;</p> <p>b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid</p>	Settlement Areas	<p>As the proposed expansion of permitted commercial uses on the subject lands will be contained within the existing buildings, this proposal makes efficient and cost effective use of existing infrastructure and public services.</p> <p>No impacts to air quality, climate change, or</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>the need for their unjustified and/or uneconomical expansion;</p> <p>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</p> <p>d) prepare for the impacts of a changing climate;</p> <p>e) support active transportation;</p> <p>f) are transit-supportive, where transit is planned, exists or may be developed.</p>		<p>energy efficiency will occur. The subject properties have frontage on streets which support active transportation. Dedicated bicycle lanes are present along University Avenue and Union Street, providing infrastructure for cyclists to access the subject properties. The properties are in walking distance of numerous transit stops served by various Kingston Transit bus routes, supporting the use of public transit by staff, students and visitors of the university.</p>
1.3.1.	<p>Planning authorities shall promote economic development and competitiveness by:</p> <p>a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;</p> <p>b) providing 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;</p> <p>c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and</p>	Employment	<p>By allowing expanded complementary commercial uses on the subject lands, the proposal will continue to support diversified employment opportunities and economic activities and support the ongoing operations of Queen's University.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>seeking to address potential barriers to investment;</p> <p>d) encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities, with consideration of housing policy 1.4.</p>		
1.6.6.2.	<p>Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</p>	Sewage, Water, and Stormwater	<p>The subject properties will continue to be serviced by public infrastructure.</p>
1.7.1	<p>Long-term economic prosperity should be supported by:</p> <p>a) promoting opportunities for economic development and community investment-readiness;</p> <p>b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;</p> <p>c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;</p> <p>d) maintaining and, where possible, enhancing the vitality</p>	Long-Term Economic Prosperity	<p>The proposed zoning by-law amendment will promote opportunities for economic development and employment by allowing an increased variety of commercial operators on the subject lands.</p> <p>Despite the promotion of opportunities for complementary commercial use, the provisions of the E163 will also ensure that the JDUC, ARC, and Mitchell Hall buildings maintain a primarily institutional character consistent with other buildings on the main campus by</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>and viability of downtowns and mainstreets;</p> <p>e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;</p> <p>f) promoting the redevelopment of brownfield sites;</p> <p>g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;</p> <p>h) providing opportunities for sustainable tourism development;</p> <p>i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agrifood network;</p> <p>j) promoting energy conservation and providing opportunities for increased energy supply;</p> <p>k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and</p>		<p>restricting commercial signage exterior to the building and ensuring that the commercial uses are only accessed by internal corridors. The provisions contribute to maintaining the sense of place that defines the Queen’s University main campus, and will not allow the subject lands to take on a primarily commercial character.</p>

Policy Number	Policy	Category	Consistency with the Policy
	l) encouraging efficient and coordinated communications and telecommunications infrastructure.		
1.8.1.	<p>Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:</p> <ul style="list-style-type: none"> a) promote compact form and a structure of nodes and corridors; b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future; d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities; e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion; f) promote design and orientation which maximizes energy efficiency and 	Energy Conservation, Air Quality, and Climate Change	<p>The Queen’s University main campus represents a compact concentration of institutional uses and complementary commercial uses, which are well serviced by existing transit and active transportation infrastructure.</p> <p>By facilitating increased diversity of commercial uses and increasing employment opportunities in a dense location serviced by transit infrastructure, this development is considered to be energy efficient.</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>conservation, and considers the mitigating effects of vegetation and green infrastructure; and</p> <p>g) maximize vegetation within settlement areas, where feasible.</p>		
2.1.1.	<p>Natural features and areas shall be protected for the long term.</p>	Natural Heritage	<p>There are no natural heritage features on or adjacent to the subject lands.</p>
2.6.1.	<p>Significant built heritage resources and significant cultural heritage landscapes shall be conserved.</p>	Cultural Heritage and Archaeology	<p>The subject lands include properties of heritage value under the <i>Ontario Heritage Act</i>. 87 Union Street, 71-69 Union Street, and 28 Division Street are subject to a Heritage Easement. 101 Union Street, 135-139 Alfred Street, and 174-176 University are all listed properties under the <i>Ontario Heritage Act</i>.</p> <p>The proposal will not result in any exterior changes to the properties, therefore no impacts to surrounding built heritage resources will occur. Heritage Planning staff have assessed this proposal through technical review and advised that there are no heritage concerns.</p>
2.6.3.	<p>Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the</p>	Cultural Heritage and Archaeology	<p>The subject lands are adjacent to several designated heritage properties such as 143 Union Street, 151-3 Alfred Street, and 169 University Avenue.</p> <p>As no development or exterior changes is</p>




Policy Number	Policy	Category	Consistency with the Policy
	protected heritage property will be conserved.		proposed there are no concerns regarding impacts to these properties. See Section 2.6.1.
3.1.1.	<p>Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:</p> <p>a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;</p> <p>b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and</p> <p>c) hazardous sites.</p>	Natural Hazards	There are no natural hazards on or adjacent to the subject lands.
3.2.1.	Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed.	Human-Made Hazards	There are no human made hazards on or adjacent to the subject lands.

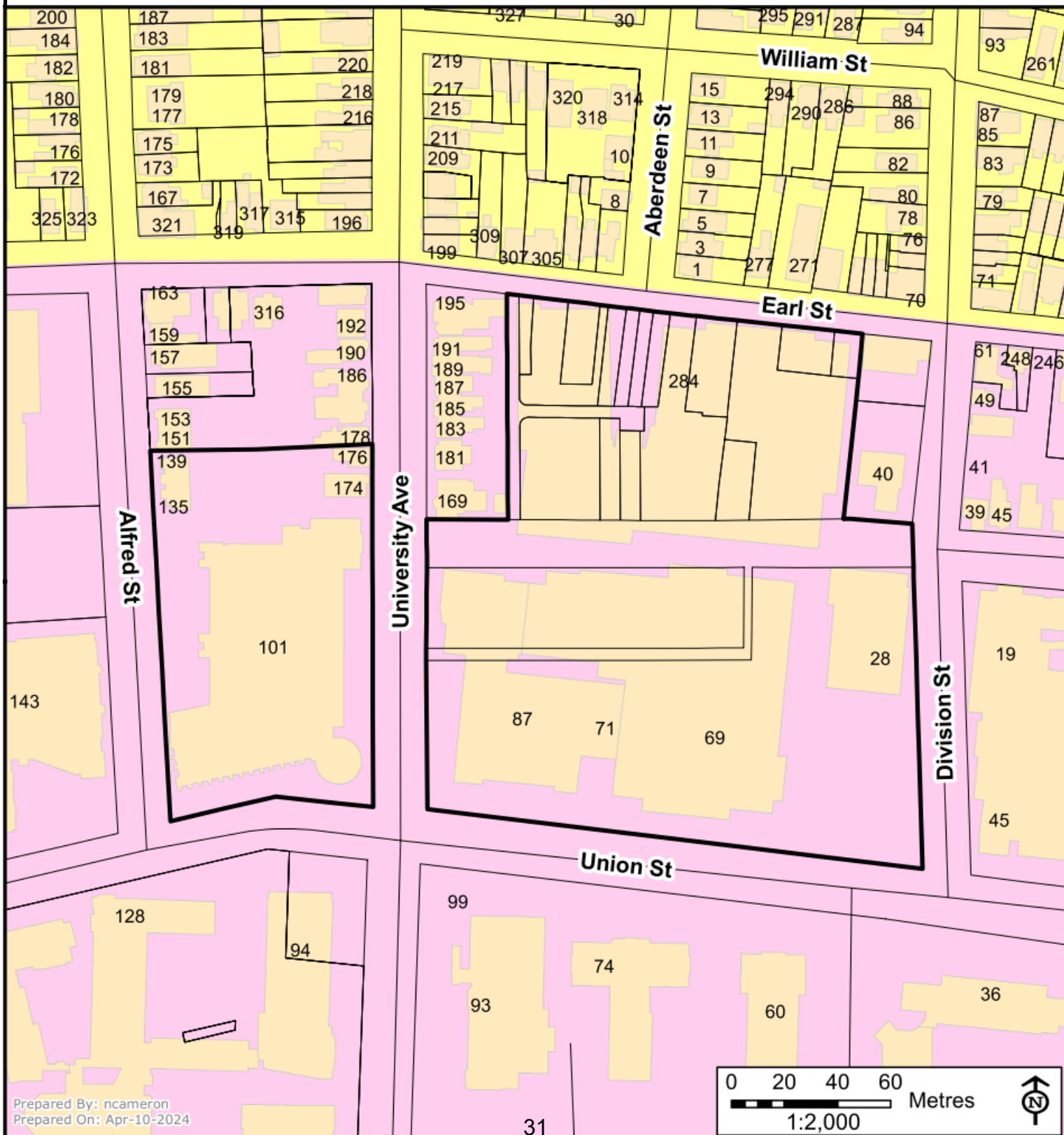


Planning Services

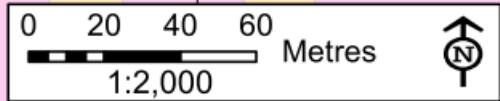
Planning Committee Official Plan, Existing Land Use

Address: 69-101 Union St., 28 Division St., 284 Earl St., 174-176 University Ave., 135-139 Alfred St.
File Number: D14-002-2024
Prepared On: Apr-10-2024

-  Subject Lands
-  INSTITUTIONAL
-  RESIDENTIAL



Prepared By: ncameron
Prepared On: Apr-10-2024



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Demonstration of How the Proposal Conforms to the Official Plan

Policy	Category	Conformity with the Policy
<p>2.1.1. Most growth will occur within the Urban Boundary, shown on Schedule 2, where development will be directed to achieve greater sustainability through:</p> <ul style="list-style-type: none"> a. appropriate (minimum) densities; b. land use patterns that foster transit and active transportation; c. enhanced access to public amenities and spaces for all residents, visitors and workers; d. opportunities for sharing resources such as parking, utilities, and the land base for locally grown produce, in the form of urban agriculture, as well as educational, recreational or cultural assets; e. direction of new development and key land uses to areas where they can best result in sustainable practices; f. promotion of employment opportunities and alliances that enhance local skills, educational resources and the use of local products, including food; g. maximized use of investments in infrastructure and public amenities; h. strategies that will revitalize both neighbourhoods and employment areas, and rehabilitate brownfield sites for re-use; i. parks that are planned to be accessed by urban residents within a ten minute walk and situated in locations that lessen the need for pedestrians to cross 	<p>Urban Areas – Focus of Growth</p>	<p>The proposal seeks to allow alternative operators of commercial uses on the subject properties. The proposed minor zoning by-law amendment is technical in nature and will not result in new development.</p> <p>The proposal will maintain and continue to support the current level of density that exists on the properties. The properties are part of Queen’s University Main Campus which is supported by active transit and transportation infrastructure. The buildings on the subject property are already serviced by municipal water and sewage infrastructure.</p> <p>The proposal will further diversify employment opportunities on the subject properties and support the ongoing operations of Queen’s University, an institution that serves as an important resource for education and training in the city.</p> <p>No exterior changes are proposed to the subject properties as a result of the application, therefore no impacts to trees or vegetation will occur.</p> <p>The subject properties are part of Queen’s University Main Campus, which offers education, residential and employment opportunities. The proposal will contribute to additional retail uses offered on campus and in proximity to residential uses that are part of campus and the surrounding community.</p> <p>Compatibility matters outlined in Section 2.7 of the Official Plan are discussed further below.</p>

Policy	Category	Conformity with the Policy
<p>an arterial road or major highway;</p> <p>j. where possible, the preservation of mature trees for shade and their other beneficial ecological and community effects;</p> <p>k. climate positive development;</p> <p>l. promotion of green infrastructure to complement infrastructure;</p> <p>m. encouraging a mix of land uses that provide for employment, education, personal service and convenience retail in close proximity to residential land uses, subject to compatibility matters as outlined in Section 2.7; and,</p> <p>n. an ecosystem approach to protecting the natural heritage system.</p>		
<p>2.2.5. Housing Districts are planned to remain stable in accordance with Section 2.6 of this Plan, but will continue to mature and adapt as the City evolves. Re-investment and upgrading will be encouraged through minor infilling and minor development (i.e., that which can integrate compatibility within the prevailing built form standards of height, density and amenity that are generally found in the neighbourhood). Housing Districts will be designated for residential uses of different types, but will also contain areas of open space, community facilities and commercial uses.</p>	<p>Housing Districts</p>	<p>The proposal supports the continued operation of the existing institutional land use and will permit additional complementary commercial uses which are appropriate for the character of the subject lands and the surrounding area. No changes to built form are proposed, and no effect on the stability of this Housing District is anticipated.</p>
<p>2.3.7. The City will promote and protect employment areas and pursue increased levels of job creation in the commercial,</p>	<p>Employment</p>	<p>Allowing an increased variety of complementary commercial uses on the subject lands is anticipated</p>

Policy	Category	Conformity with the Policy
institutional and industrial sectors in order to foster a diversified and vigorous economic base with a range of opportunities for its residents.		to lead to opportunities for job creation.
2.3.8. Cultural heritage resources will continue to be valued and conserved as part of the City's defining character, quality of life, and as an economic resource that contributes to tourism in both the urban and rural portions of the City.	Cultural Heritage	No exterior changes to any of the existing buildings on the subject lands are proposed as part of this proposal. Heritage Planning staff reviewed this proposed zoning by-law amendment through the technical review process and did not raise any concerns. As such, there are no anticipated impacts to any cultural heritage resources on the subject lands or on any nearby adjacent properties of heritage value.
2.7.1. Development and/or land use change must demonstrate that the resultant form, function and use of land are compatible with surrounding land uses.	Compatible Development and Land Use Change	The proposal seeks to allow alternative commercial use operators which will continue to support the existing institutional and residential land use associated with Queen's University on the subject properties. The proposal is not anticipated to result in significant changes to the subject properties' functionality or compatibility with surrounding uses. The proposed commercial uses which shall be permitted through this proposal are considered to be appropriate for the primary Institutional post-secondary land use and for the surrounding neighbourhood context.
2.7.3. The land use compatibility matters to be considered under Section 2.7.2 include, but are not limited to: a. shadowing; b. loss of privacy due to intrusive overlook;	Land Use Compatibility Matters	The proposal does not contemplate physical development of any kind for the subject lands. As such, there are no anticipated compatibility concerns in terms of shadowing, overlook, increased light or noise, increased windspeed, or architectural incompatibility.

Policy	Category	Conformity with the Policy
<p>c. increased levels of light pollution, noise, odour, dust or vibration;</p> <p>d. increased and uncomfortable wind speed;</p> <p>e. increased level of traffic that can disrupt the intended function or amenity of a use or area or cause a decrease in the functionality of active transportation or transit;</p> <p>f. environmental damage or degradation;</p> <p>g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded;</p> <p>h. reduction in the ability to enjoy a property, or the normal amenity associated with it, including safety and access, outdoor areas, heritage or setting;</p> <p>i. visual intrusion that disrupts the streetscape or buildings;</p> <p>j. degradation of cultural heritage resources;</p> <p>k. architectural incompatibility in terms of scale, style, massing and colour; or,</p> <p>l. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents.</p>		<p>Commercial uses already exist on the subject lands. Adding them through this amendment would not increase the level of activity such that it would be incompatible with the surrounding area.</p> <p>Demand for water and wastewater will not change as a result of allowing alternative commercial operators. Overall commercial activity on the subject lands is not expected to increase significantly relative to existing conditions, and as such no substantial increase in traffic volume is expected.</p>
<p>2.7.6. Only development proposals that meet the long-term needs of the intended users or occupants will be supported. Proponents, whether developing individual buildings on a single site, or multiple buildings being built at one time or phased over time, will be required to</p>	<p>Functional Needs</p>	<p>The proposed minor zoning by-law amendment will not result in any alterations to existing building footprints or configuration of the subject properties.</p> <p>The continuation of institutional uses on the subject properties optimizes previous investments made in servicing and transit</p>

Policy	Category	Conformity with the Policy
<p>demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p> <p>a. suitable scale, massing and density in relation to existing built fabric;</p> <p>b. appropriate landscaping that meets or improves the characteristic green space amenity of the site and surroundings and enhances the City’s tree planting program;</p> <p>c. adequate land area and appropriate site configuration or provision for land assembly, as required;</p> <p>d. efficient use of municipal services, including transit;</p> <p>e. appropriate infill of vacant or under-utilized land; and,</p> <p>f. clearly defined and safe: • site access;</p> <ul style="list-style-type: none"> • pedestrian access to the building and parking spaces; • amenity areas; • building entry; and, • parking and secure and appropriate bicycle facilities. 		<p>infrastructure within and around the subject properties. The existing facility will continue to meet the needs of users and occupants into the future, supporting post-secondary activities within the Queen’s University Main Campus.</p> <p>Vehicular and bicycle parking facilities sufficiently service the properties per the Queen’s University Master Plan.</p>
<p>2.8.8. Cultural heritage resources, will be conserved, managed and promoted for their contribution to the City’s unique identity, history and sense of place in such a way as to balance heritage concerns with environmental and accessibility issues. Care will be taken not to put the existing UNESCO World Heritage Designation of the Rideau Canal, Fort Henry and the Kingston Fortifications at risk by working with partners to</p>	<p>Cultural Heritage</p>	<p>The proposal will not result in any exterior changes to the properties, therefore no impacts to any heritage features will occur.</p>

Policy	Category	Conformity with the Policy
implement the Rideau Corridor Landscape Strategy.		
<p>3.5.1. The predominant land uses permitted in areas designated as Institutional as shown on Schedule 3 vary by the type of institution and by the provisions of the zoning by-law. Community facilities may also be permitted in accordance with Section 3.2. The Institutional designation includes the following categories and complementary uses supportive of, or related to, the type of operation of each:</p> <ul style="list-style-type: none"> a. post-secondary institutions include classrooms and similar teaching venues, offices, laboratories and other research or testing facilities, libraries, common areas and places of assembly. Complementary uses include dining areas, day care centres, recreation facilities, storage areas, parking areas or structures, student or staff accommodation, solid waste and hazardous waste handling areas, and convenience commercial outlets. b. hospitals and care facilities c. extended care complexes d. corrections facilities e. military establishments f. government and religious administrative centres. 	Institutional Uses – Permitted Uses	<p>The subject lands are developed with numerous buildings associated with the post-secondary institution of Queen’s University. A post-secondary institution is a permitted use under Section 3.5.1 of the Official Plan. This proposal contemplates the expansion of the number of permitted complementary commercial uses within certain of these buildings.</p> <p>The proposed commercial uses which would be permitted are consistent with Official Plan direction regarding permitted complementary uses to a primary institutional land use.</p>
3.5.2. Zoning appropriate for each use will be established in the zoning by-law.	Institutional Uses – Zoning	The entirety of the subject lands will be rezoned to IN2, which is consisted with the majority of other lands on the Queen’s University main campus. Complementary commercial uses will be enabled for certain buildings on the subject lands

Policy	Category	Conformity with the Policy
		through a new Exception Overlay E163.
<p>3.5.8. Any development proposal of an institutional use that requires Planning Act approval, including site plan control review, will be assessed based on the following criteria:</p> <ul style="list-style-type: none"> a. compatibility with the height, massing, bulk and scale of other surrounding institutional buildings or adjacent residential buildings; b. the cultural heritage character of properties designated under the Ontario Heritage Act will be preserved and the functional use or reuse of such buildings will be promoted in accordance with the policies of Section 7 of this Plan; c. compatibility with the architectural or heritage character of the surrounding buildings and area; d. design and siting of proposed buildings or structures to preserve as much open space as possible; e. access by means of an arterial or major collector road, to ensure traffic will not infiltrate into surrounding residential neighbourhoods or local residential streets; f. provision of pedestrian and cycling facilities; g. assessment of safety and convenience on the site, including lighting, sidewalks, location and treatment of parking areas, landscaped areas or building access locations; h. buffering of any adjacent residential areas to minimize functional or visual impacts and 	<p>Institutional Uses – Development Criteria</p>	<p>No alteration to the subject properties or building footprints is proposed through this minor zoning by-law amendment. The existing built form, access and facilities will remain in their present form and will remain compatible with the surrounding neighbourhood.</p>

Policy	Category	Conformity with the Policy
<p>the impacts of increased lighting and noise through such means as screening, berming, landscaping or fencing;</p> <p>i. consideration of any proposed land use in accordance with the land use compatibility and design policies of Section 2.7 and Section 8 of this Plan; and,</p> <p>j. building and site design in accordance with Section 2.1.4 of this Plan.</p>		
<p>3.5.A.1. Queen's University has a number of landholdings dispersed throughout the City used for different activities. It is the intent of this Plan to recognize within the Institutional designation, five (5) principal areas of facilities: the Main Campus; the West Campus, including the former Prison for Women site; the Donald Gordon Centre; the Isabel Bader Centre for the Performing Arts; and, Innovation Park.</p> <p>Since 1920, Queen's University has managed growth and change through a series of master plans, each of which responded to the issues of its time. Development of the Queen's University landholdings should continue to proceed through a master planning process respecting the relevant policies of this Plan.</p> <p>The University is made up of a variety of land uses and buildings which all form a community of common interest devoted to post-secondary higher education, research, consulting and administration.</p> <p>In conjunction with its primary purpose the Queen's community</p>	<p>Queen's University</p>	<p>This policy recognizes the five existing principal areas of facilities belonging to Queen's University and directs that the development of these five areas occur through a master planning process. The current application seeks to allow alternative operators of commercial uses within existing Queen's University Main Campus buildings. A master planning process is not appropriate or necessary to facilitate this proposal.</p> <p>The proposed minor zoning by-law amendment will expand the list of permitted complementary commercial uses, which are support facilitates that will allow the University to function as a community.</p>

Policy	Category	Conformity with the Policy
<p>also includes such supporting uses as residences, recreation and cultural facilities, commercial facilities, parking areas and open spaces, and such support facilities as are required to develop, operate, and maintain the University campus buildings, structures, and facilities.</p> <p>The permitted land uses are those uses which allow the University to function as a community. These uses are listed in Section 3.5.1.A. of this Plan.</p>		
<p>3.5.A.2. It is the intent of this Plan to support the following objectives with respect to Queen's University:</p> <ul style="list-style-type: none"> a. to recognize Queen's University as a distinct community of interest that is dispersed throughout the City; b. to foster co-operation between the City, the community, and the University in terms of such matters as the provision of parking, student housing, servicing, campus accessibility, active transportation and linkages, conservation of heritage buildings and areas, public access and development proposals; c. to support the growth and development of the University and to encourage its long term vitality within the City; d. to minimize any adverse effects the University may have as a major activity centre on adjacent and surrounding neighbourhoods; e. to support the efforts of Queen's University to continue to 	<p>Queen's University - Objectives</p>	<p>The proposed minor zoning by-law amendment will foster continued co-operation between external commercial operators and the University, while contributing to the continuation of a distinct community on Main Campus. The proposal will positively contribute to the University, as a major activity centre, and its long-term vitality within the City.</p>

Policy	Category	Conformity with the Policy
<p>cooperate with Kingston General Hospital in the provision of services, the development of facilities and the provision of appropriate access and parking;</p> <p>f. to recognize the various University areas as having different land use mixes, land use characteristics, locational factors, and different surrounding uses;</p> <p>g. to recognize that any development proposal for University-owned lands may be reviewed by the City in relation to the particular characteristics of the affected principal facilities area; and,</p> <p>h. to encourage Queen’s University to protect and conserve their various heritage properties whether designated or not under the Ontario Heritage Act.</p>		
<p>3.5.A.3. The following policies apply to University development proposals regarding conversions, infill and heritage buildings:</p> <p>a. existing low density residential buildings owned by the University may continue to be used and may be renovated and updated for residential uses;</p> <p>b. any development or infill projects within the Institutional designation are subject to site plan control review and will be assessed for their conformity to the Campus Master Plan; and,</p> <p>c. the heritage character of the existing buildings fronting on Barrie Street will be protected and maintained to enhance the character of the Barrie Street streetscape, the character of</p>	<p>Queen’s University – Conversions, Infill, and Heritage Buildings</p>	<p>The proposed minor zoning by-law amendment does not represent a conversion or infill. No site alteration or alteration to the building footprint is proposed, therefore there is no requirement for site plan control review, nor is there any matter to assess against the Campus Master Plan at this time.</p>

Policy	Category	Conformity with the Policy
<p>properties within the Old Sydenham Heritage Conservation District, and the surrounding area.</p>		
<p>7.1.10. Conserving built heritage resources forms an integral part of the City’s planning and decision-making. The City uses the power and tools provided by legislation, policies and programs, particularly the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act and the Municipal Act in implementing and enforcing the policies of this Section. This may include the following:</p> <ul style="list-style-type: none"> a. designating real property under Part IV, or V of the Ontario Heritage Act, or encouraging the Province to designate real property under Part VI of the Ontario Heritage Act; b. requiring, as a condition of any approval, the retention of any built heritage resources found within a plan of subdivision, a plan of condominium, or on any parcel created by consent, or other land division approval; c. using zoning by-law provisions as appropriate, to conserve identified built heritage resources; d. using the provisions of Section 37 of the Planning Act in order to maintain the integrity of identified built heritage resources; e. using site plan control provisions of Section 41 of the Planning Act to ensure that new development on adjacent properties is compatible with the 	<p>Conservation of Built Heritage Resources</p>	<p>The subject lands include properties of heritage value under the <i>Ontario Heritage Act</i>. 87 Union Street, 71-69 Union Street, and 28 Division Street are subject to a Heritage Easement. 101 Union Street, 135-139 Alfred Street, and 174-176 University are all listed properties under the <i>Ontario Heritage Act</i>.</p> <p>The subject lands are adjacent to several designated heritage properties such as 143 Union Street, 151-3 Alfred Street, and 169 University Avenue.</p> <p>The proposal will not result in any exterior changes to the properties, therefore no impacts to surrounding built heritage resources will occur. Heritage Planning staff have assessed this proposal through technical review and advised that there are no heritage concerns.</p>

Policy	Category	Conformity with the Policy
<p>adjacent identified built heritage resources;</p> <p>f. using design guidelines to provide for sympathetic development of adjacent lands that are not designated, but which could impact the site of the built heritage resource;</p> <p>g. ensuring that archaeological resources are evaluated and conserved prior to any ground disturbance, in accordance with the City’s Archaeological Master Plan and provincial regulations;</p> <p>h. in partnership with Kingston’s Indigenous Peoples of Canada community, a Protocol outlining the working relationship with them and the City will be designed, approved and implemented; and</p> <p>i. using heritage easements as a means to protect significant built heritage resources, where appropriate.</p>		
<p>9.5.9. When considering an application to amend the zoning by-law, the Planning Committee and Council will have regard to such matters as:</p> <p>a. conformity of the proposal with the intent of the Official Plan policies and schedules;</p> <p>b. compatibility of the proposal with existing uses and zones, sensitive uses, the natural heritage system, cultural heritage resources, and compatibility with future planned uses in accordance with this Plan;</p> <p>c. compatibility of proposed buildings or structures with existing buildings and structures, with zoning standards of</p>	<p>By-Laws – Planning Committee / Council Considerations</p>	<p>As outlined throughout Exhibit F, this proposal conforms to all applicable Official Plan policies. The proposal will maintain the facility’s relationship with the surrounding area and contribute to the stability of a built-up area. The proposed will contribute to the vitality of the Queen’s University Main Campus as is encouraged within the Official Plan.</p> <p>As no physical development or site alteration is proposed, no impacts to cultural heritage resources or natural heritage resources are anticipated. As the majority of surrounding lands are zoned as IN2, the proposed IN2 zoning for the subject lands will be compatible.</p>

Policy	Category	Conformity with the Policy
<p>adjacent sites, with any future planned standards as provided in this Plan, and with any urban design guidelines adopted by the City for the area;</p> <p>d. the extent to which the proposal is warranted in this location and the extent to which areas zoned for the proposed use are available for development;</p> <p>e. the suitability of the site for the proposal, including its ability to meet all required standards of loading, parking, open space or amenity areas;</p> <p>f. the suitability of the density relative to the neighbourhood and/or district, in terms of units per hectare, bedrooms per hectare, floor space index, and/or employees per hectare, as applicable;</p> <p>g. the impact on municipal infrastructure, services and traffic;</p> <p>h. comments and submissions of staff, agencies and the public; and,</p> <p>i. the degree to which the proposal creates a precedent.</p>		<p>The proposed minor zoning by-law amendment will maintain the envelope of the existing building and therefore will not impact the neighbourhood built form.</p> <p>The buildings to which the proposed new Exception Overlay E163 would apply already contain complementary commercial uses. This proposal would simply expand the variety of permitted complementary commercial uses. As these newly permitted uses are compatible and appropriate for the subject lands, this proposal is warranted for this location.</p> <p>The wider university campus contains several parking areas and an open space network which is accessible by students, staff, and members of the broader community.</p> <p>The proposal will not result in a change in density. The functional needs of the buildings will continue to be met by existing infrastructure.</p> <p>This application for a zoning by-law amendment was circulated for technical review and no concerns were raised by City staff or any external agencies. Public notice for this application will be provided in accordance with the <i>Planning Act</i>. At the time this report was finalized, no public comments have been received.</p> <p>This proposal does not create a precedent given that the buildings on the subject lands that will receive permissions for expanded complementary commercial uses already contain complementary commercial uses. Additionally, numerous other buildings on the Queen's University main campus</p>

Policy	Category	Conformity with the Policy
		and west campus are permitted to have complementary commercial uses.

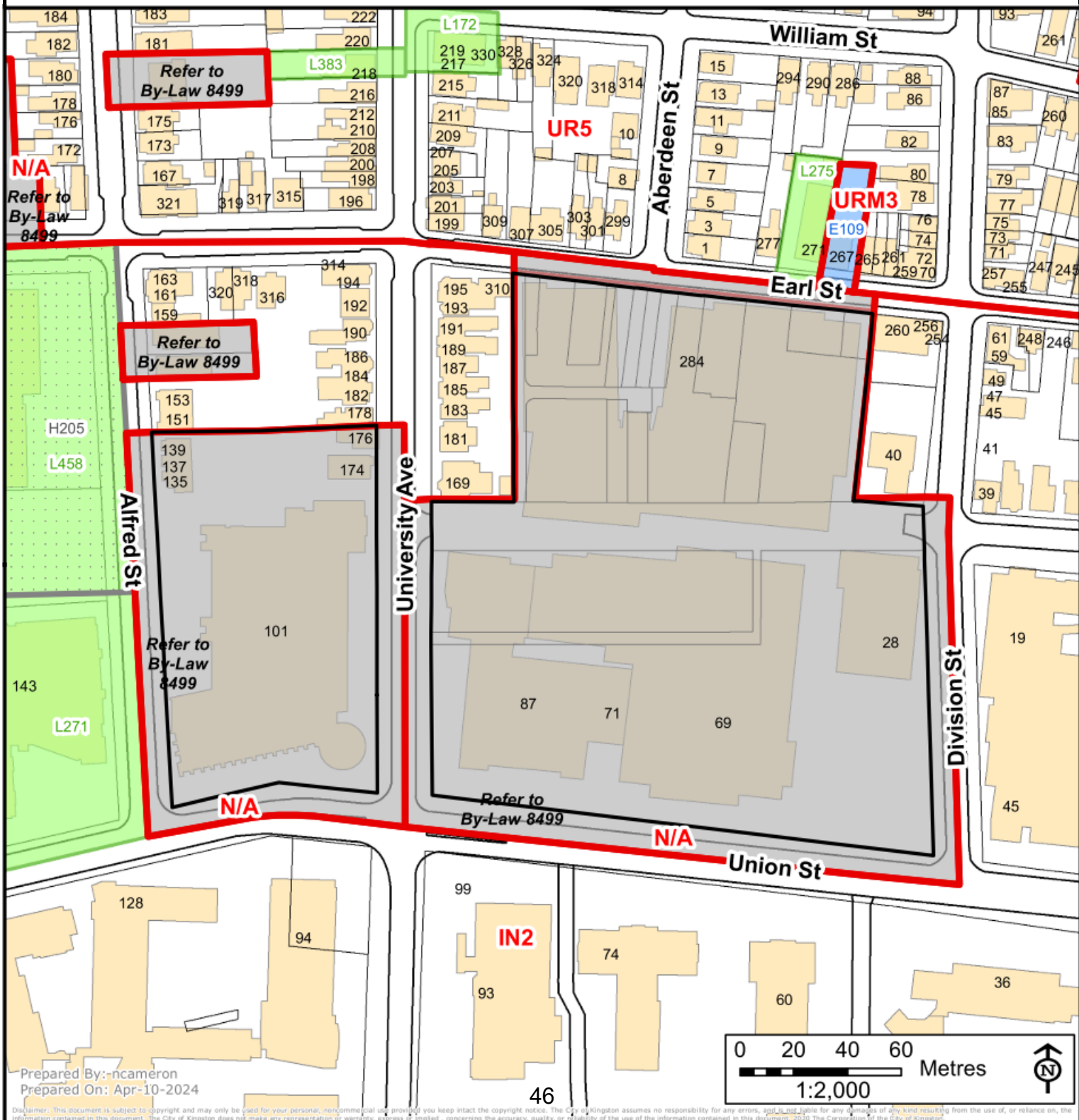


Planning Services

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

Address: 69-101 Union St., 28 Division St., 284 Earl St., 174-176 University Ave., 135-139 Alfred St.
File Number: D14-002-2024
Prepared On: Apr-10-2024

- Subject Lands
- Schedule 1 Zoning Map
- Zone
- Not Subject to the Kingston Zoning By-law
- Schedule E - Exception Overlay
- Legacy Exceptions (LXXX)
- Exceptions (EXXX)
- Schedule F - Holding Overlay
- Holding Overlay (HXXX)



Prepared By: ncameron
Prepared On: Apr-10-2024

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Planning
Services

CITY OF KINGSTON Existing Zoning - Bylaw , Map

Address: 69-101 Union St., 28 Division St., 284 Earl St.,
174-176 University Ave., 135-139 Alfred St.
File Number: D14-002-2024

- Subject Lands
- Consolidated Zoning

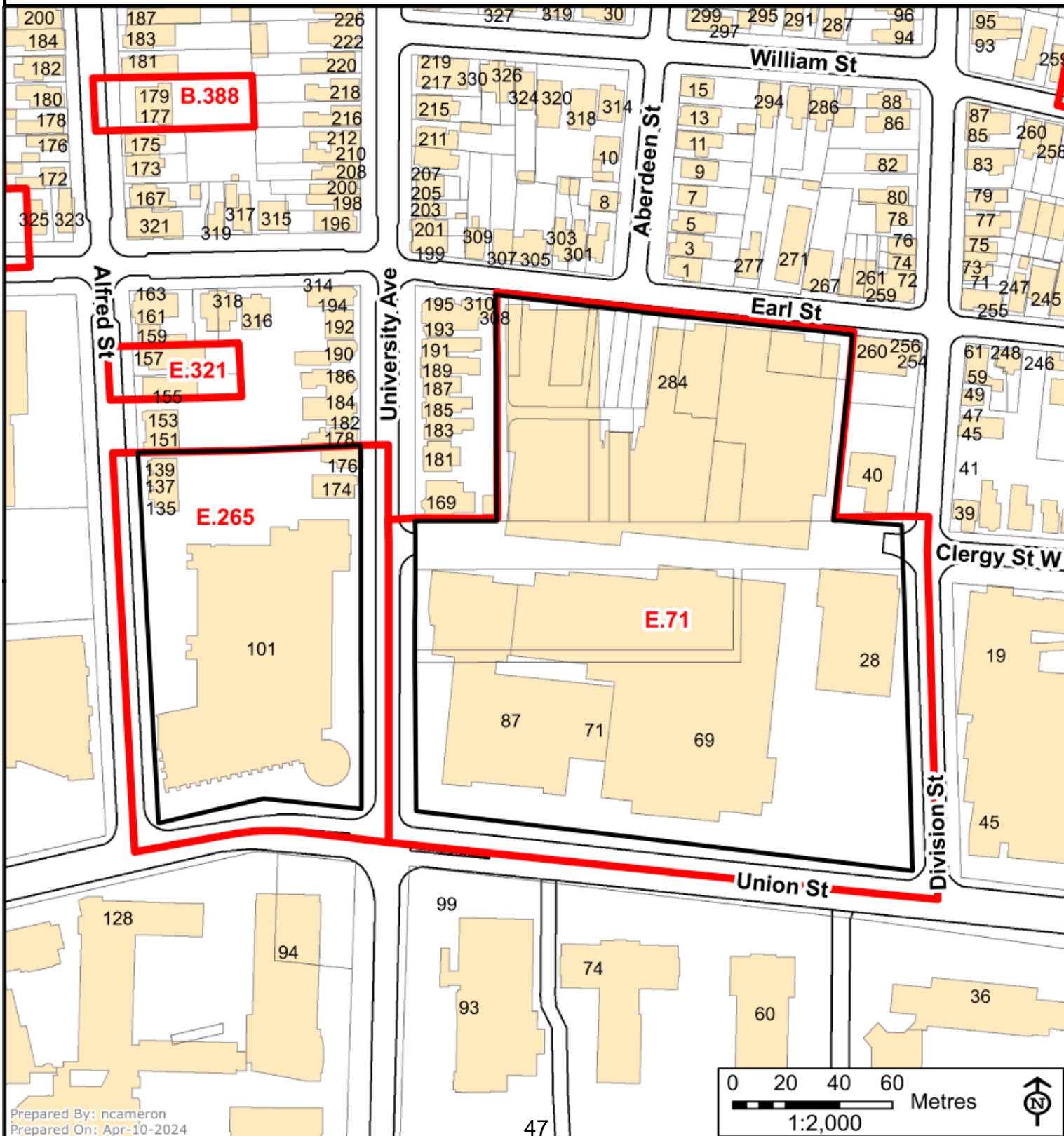




Figure 1: John Deusch University Centre (JDUC) building at 87 Union Street. View from south of Union Street. The JDUC is proposed to be rezoned to IN2 and subject to Exception Overlay E163.



Figure 2: View of the JDUC building from the west side of University Avenue. The JDUC is currently undergoing renovation which were approved through a previous Site Plan Control application (File Number D11-023-2020).



Figure 3: Mitchell Hall building at 71-69 Union Street. View from south side of Union Street. Mitchell Hall is proposed to be rezoned to IN2 and subject to Exception Overlay E163.



Figure 4: Front entrance of the Queen's University Aquatics and Recreation Centre (ARC) building at 284 Earl Street. View from the south side of Earl Street. The ARC building is proposed to be rezoned to IN2 and subject to Exception Overlay E163.



Figure 5: Kinesiology and Health Studies building at 28 Division Street. View from west side of Division Street. Kinesiology and Health Studies building is proposed to be rezoned to IN2. No Exception Overlay is proposed for this building.



Figure 6: Stauffer Library building at 101 Union Street. View from the south-east corner of Union Street and University Avenue. Stauffer Library is proposed to be rezoned to IN2 and subject to Exception Overlay E164.



Figure 7: Single detached residential buildings at 174 and 176 University Avenue. View from east side of University Avenue. 174 and 176 University are residential buildings, owned by Queen's University. Buildings are proposed to be rezoned to IN2. No Exception Overlay is proposed for these buildings.



Figure 8: Residential townhouse buildings at 135, 137, and 139 Alfred Street. View from west side of Alfred Street. 135, 137, and 139 Alfred Street are residential buildings, owned by Queen's University. Buildings are proposed to be rezoned to IN2. No Exception Overlay is proposed for these buildings.

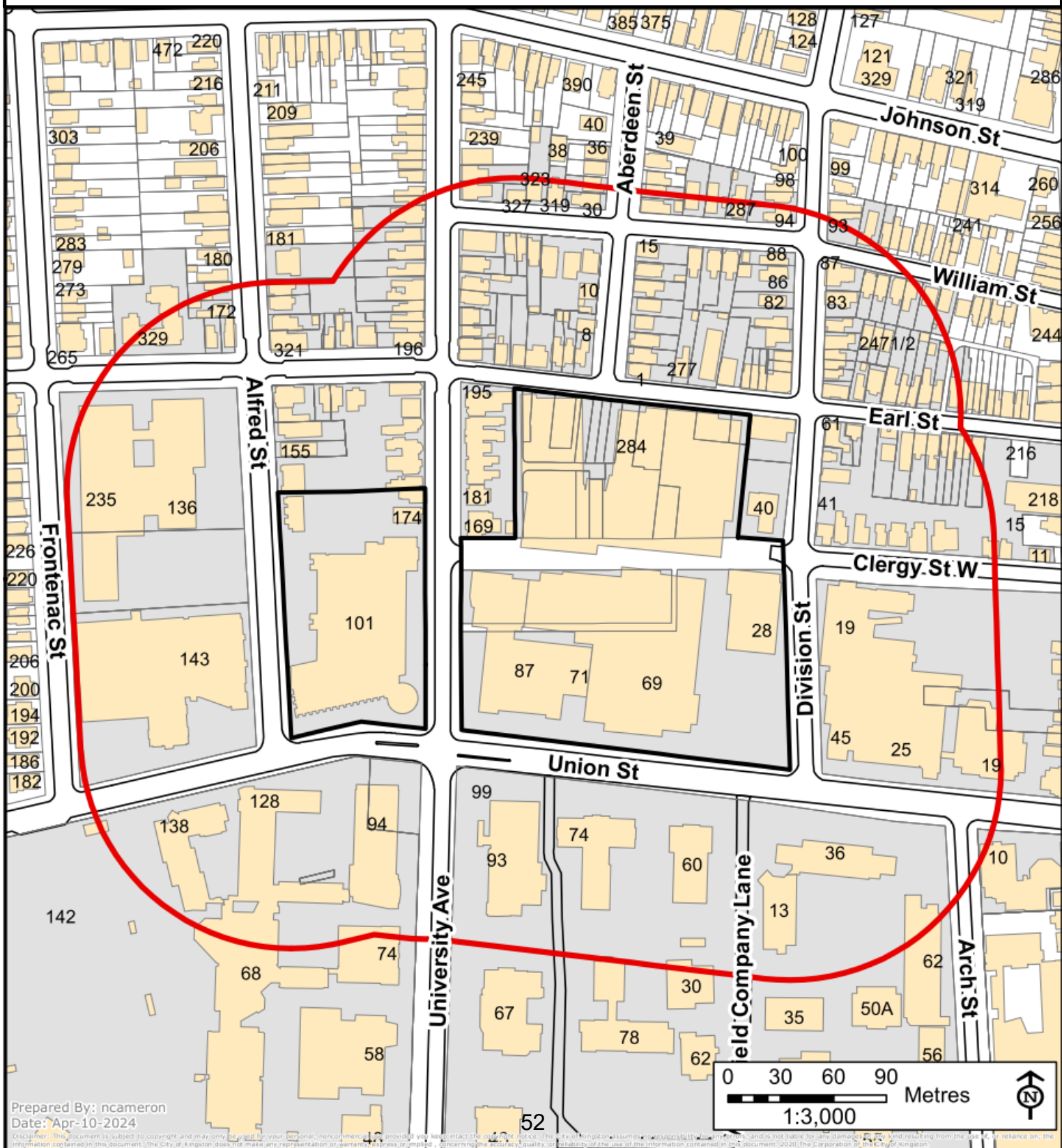


Planning
Services

Planning Committee Public Notice Notification Map

Address: 69-101 Union St., 28
Division St., 284 Earl St., 174-176
University Ave., 135-139 Alfred St.
File Number: D14-002-2024
Prepared On: Apr-10-2024

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





**City of Kingston
Report to Planning Committee
Report Number PC-24-033**

To: Chair and Members of the Planning Committee
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Tim Park, Director, Planning Services
Date of Meeting: May 16, 2024
Subject: Supplemental Report
File Number: D35-004-2022
Address: 2312 Princess Street
District: District 2 - Loyalist-Cataraqui
Application Type: Official Plan & Zoning By-Law Amendment
Owner: 2312 Princess Street Inc.
Applicant: Patry Inc.

Council Strategic Plan Alignment:

Theme: Corporate business

Goal: See above

Executive Summary:

The following is a supplemental report to Planning Committee recommending a further deferral of the recommendation contained in [Report Number PC-24-010](#), which was presented to Planning Committee at a regular meeting on December 7, 2023. That report recommended approval of an application for an Official Plan amendment and a zoning by-law amendment for the property located at 2312 Princess Street to redesignate the property to Residential with allowances for additional density and to rezone the property to a site-specific Urban Multi-Residential 2 (URM2) Zone and an Urban Residential 3 (UR3.B) Zone. The recommended zoning was intended to facilitate the construction of a six-storey building containing 300 homes

May 16, 2024

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and allow for a potential severance of the Heritage Designated building currently situated on the property.

At its December 7th regular meeting, Planning Committee passed a motion to defer the recommendation contained in Report Number PC-24-010 in order to allow the applicant additional time to revise their proposal to mitigate the overlook and buffering along the north lot line and report back.

On February 15, 2024, Planning Committee received [Supplemental Report PC-24-023](#) which sought an extension of the deferral granted on December 7 in recognition of the fact that Planning Services staff have worked with the applicant and members of the community to identify opportunity to mitigate the impact of the overlook and privacy concerns, and that the applicant is working on a revised proposal to mitigate these concerns.

The applicant continues to make progress towards a revisions to the proposal which are expected to be submitted shortly. As such, staff are recommending a further deferral of the previous recommendation in order to allow sufficient time to allow additional community consultation and to provide the surrounding community sufficient notice of the opportunity to provide additional comment based on the revised proposal.

Recommendation:

That the Planning Committee recommend to Council:

That the following recommendation in Report Number PC-24-010, Official Plan & Zoning By-Law Amendment – 2312 Princess Street, be referred back to Planning Committee for consideration at a Planning Committee meeting not later than the end of Q3 2024:

That the applications for Official Plan and zoning by-law amendments (File Number D35-004-2022) submitted by Patry Inc., on behalf of 976653 Ontario Inc., for the property municipally known as 2312 Princess Street, be approved; and

That the City of Kingston Official Plan, as amended, be further amended, Amendment Number 88, as per Exhibit A, (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-24-010; and

That Kingston Zoning By-Law Number 2022-62, as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A and B to Amend Zoning By-Law Number 2022-62) to Report Number PC-24-010; 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; and

May 16, 2024

Page 3 of 7

That staff be directed to provide a supplementary report at a Planning Committee meeting not later than the end of Q3 2024, providing details the revised proposal.

May 16, 2024

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Peter Huigenbos, Commissioner, Major Projects & Strategic Priorities	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

May 16, 2024

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Options/Discussion:**Background and Decision Date**

In accordance with By-Law Number 2007-43, these applications were subject to a pre-application meeting held on October 26, 2021, with Planning Services and various other departments and agencies. Following this, a complete application submission was made by the applicant on March 25, 2022.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before July 23, 2022, which is 120 days after a complete application was received. In the absence of a decision by Council in this timeframe, the applicant may exercise their right to appeal to the Ontario Land Tribunal (OLT).

The applicant has been working with staff in an effort to address comments raised about the potential for privacy loss and intrusive overlook as well as mitigation measures to lessen the impact of the building's massing. Of note, the applicant has engaged in further consultation with the community to identify opportunities to address the issues raised during the public meeting through a community consultation meeting held on January 23, 2024. The application was recommended for approval to Planning Committee on December 7, 2023. The Planning Committee passed a motion to defer the recommendation at that meeting. The deferral motion was as follows:

"That Report PC-24-010 be deferred so that staff can have additional conversations around compatibility considerations with the residents and the developer."

On February 15, 2024, Planning Committee passed a motion through [Supplemental Report PC-24-023](#) recommending a 90 day extension to the deferral motion which would have the application considered by May 16, 2024. As the applicant is not in a position to submit a revised proposal consistent with the feedback received during the previous public consultation but are actively working towards such, they are seeking a further deferral.

The applicant is continuing to work towards a revised proposal and is expected to be submitted shortly with the applicant committing to additional public outreach upon the submission. As such, staff are recommending a further deferral of the previous recommendation to allow sufficient time for the applicant to develop and staff to review the details of the revised proposal and to allow sufficient notice to the surrounding community advising them of the opportunity for additional comment based on the revised proposal.

Existing Policy/By-Law:

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

May 16, 2024

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Provincial

Planning Act

Provincial Policy Statement, 2020

Municipal

City of Kingston Official Plan

Zoning By-Law Number 2022-62

Notice Provisions:

A Public Meeting was held respecting this application on August 11, 2022, with an additional Public Meeting held on December 7, 2023 when the Recommendation Report was presented to Planning Committee. A courtesy notice was also placed in The Kingston Whig-Standard on August 25, 2020.

Prior notice of both meetings were provided via on-site signage and notices sent by mail to 607 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property. A courtesy notice was placed in The Kingston Whig-Standard on August 7, 2022 and December 3, 2023. The recommendation for approval was deferred at the December 7, 2023 meeting.

Courtesy notice of this meeting and the prior deferral meeting was provided by email or mail to all members of the public who have provided oral or written submissions related to the application. Notice will be provided for a subsequent meeting where a revised proposal has been submitted and the meeting has been scheduled.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

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

Ian Clendening, Senior Planner, 613-546-4291 extension 3126

Other City of Kingston Staff Consulted:

None

May 16, 2024

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Exhibits Attached:

None