



**City of Kingston
Report to Planning Committee
Report Number PC-20-020**

To:	Chair and Members of the Planning Committee
From:	Paige Agnew, Commissioner, Community Services
Resource Staff:	Same as above
Date of Meeting:	February 20, 2020
Subject:	Public Meeting Report
File Number:	D35-003-2019
Address:	2285 Battersea Road, 2311 Battersea Road and Kingston Con 6 PT Lot 33 RP; 13R-15799 Part 1
Application Type:	Official Plan & Zoning By-Law Amendment
Owner:	BPE Development Inc.
Applicant:	BPE Development Inc. and Fotenn Consultants Inc.

Council Strategic Plan Alignment:

Theme: 4. Strengthen economic development opportunities

Goal: 4.1 Support new and existing businesses

Executive Summary:

The following is a Public Meeting report to the Planning Committee regarding an application for an Official Plan & zoning by-law amendment submitted by BPE Development Inc. and Fotenn Consultants Inc. on behalf of BPE Development Inc., with respect to the subject site located at 2285 Battersea Road, 2311 Battersea Road and Kingston Con 6 PT Lot 33 RP; 13R-15799 Part 1. This report describes the proposed application and includes an overview of the relevant policies and regulations that will be evaluated as part of a future comprehensive report.

This is the second Public Meeting for the proposed Official Plan and zoning by-law amendment to allow review of the proposed changes to the application. The amended proposal continues to propose the redevelopment of the site with a boutique inn with 27 rooms (7 in one building

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proposed as a bed and breakfast, and 20 in another), a spa, small scale restaurant, café, craft brewery/cidery/winery, a small gift shop and farm store, an event venue and associated small scale agricultural uses. The largest change for the application is the reconfiguration of the uses on-site. The applicant is also proposing the development in a single phase rather than three separate phases.

This application applies to 3 separately conveyable parcels located at the northwest corner of the Unity Road/Battersea Road intersection. The lands subject to the proposed development are addressed municipally as 2285 Battersea Road, 2311 Battersea Road and a landlocked parcel north of these parcels. Cumulatively, the total land area is approximately 13.7 hectares with approximately 295 metres of road frontage on Battersea Road and approximately 115 metres of road frontage on Unity Road.

The subject lands are designated 'Rural Lands' in the City of Kingston Official Plan and are located within a General Agricultural 'A2' and Restricted Agricultural 'A1' zone within Zoning By-Law Number 76-26, as amended. The applicant is proposing to re-designate the lands to 'Rural Commercial' within the Official Plan and rezone the lands to a site-specific Special Highway Commercial 'C3-X-H' zone within Zoning By-Law Number 76-26, as amended to facilitate the proposed development through this application.

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Authorizing Signatures:

**Paige Agnew, Commissioner,
Community Services**

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Peter Huigenbos, Commissioner, Business, Environment & Projects	Not required
Brad Joyce, Acting Commissioner, Corporate Services	Not required
Jim Keech, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Sheila Kidd, Commissioner, Transportation & Public Works	Not required

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Options/Discussion:**Public Meeting Process**

Anyone who attends a Planning Committee 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 Local Planning Appeal Tribunal (LPAT) 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 LPAT unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

The Planning Committee will consider a comprehensive report and recommendation from the Planning Division, respecting the subject application, at a future meeting. The public is provided an additional opportunity to make oral submissions on the matter at the time the Committee considers the comprehensive report from staff. The Committee will make its recommendation to City Council at this meeting.

All persons who made oral or written submissions, or have requested notification in writing, will be given written notice of the future meeting(s) of the Planning Committee at which time the subject application will be considered. Anyone wishing to be notified of Council's decision on the subject application must submit a written request to:

James Bar, Senior Planner
The Corporation of the City of Kingston
Planning Services
216 Ontario Street
Kingston, ON K7L 2Z3
613-546-4291 extension 3213
jbar@cityofkingston.ca

Background and Decision Date

In accordance with By-Law Number 2007-43, this application was subject to a pre-application meeting held on March 6, 2018, with the Planning Division and various other departments and agencies. Following this, a complete application submission was made by the applicant on April 11, 2019.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before September 8, 2019 which is 150 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 LPAT.

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The applicant has been working with staff to address technical comments related to the planning justification, hydrogeological study, minimum distance separation and additional requirements, taking the application beyond the 150 days after a complete application was received. The technical review of the second submission is ongoing, and technical review comments will include comments raised at this Public Meeting.

Site Characteristics

The properties are situated in the northwest corner of the Battersea Road/Unity Road intersection (Exhibit A – Key Map). The property at 2285 Battersea Road is 2.87 hectares in size with 199 metres of frontage on Battersea Road and 112 metres of frontage on Unity Road and contains a single-family dwelling and two accessory buildings. The property at 2311 Battersea Road is 4 hectares in size with 128 metres of frontage on Battersea Road and is vacant. Additionally, a landlocked parcel of approximately 6.8 hectares is located directly west of the hydro corridor and properties, addressed municipally as 2329 – 2359 Battersea Road. Cumulatively, the parcels equate to approximately 13.76 hectares in area with over 400 metres of road frontage.

A consent (lot addition) application (File Number D10-001-2019) was processed concurrently with the proposed Official Plan amendment & zoning by-law amendment (File Number D35-003-2019) application and was approved by the Committee of Adjustment on April 15, 2019. No appeals were received regarding the Consent application. The application was finalized on July 3, 2019.

The properties are adjacent to multiple residential and agricultural properties. The parcel known municipally as 896 Unity Road to the west is currently developed with agricultural uses, including a livestock facility that primarily accommodates horses. The properties at 874 Unity Road, 2329 – 2359 Battersea Road which directly abut the site, are utilized for residential purposes and each currently accommodates a single-detached dwelling. Located on the property known municipally as 2245 Battersea Road is the Church of Jesus Christ of Latter Day Saints. Glenburnie Public School is located in the southeast corner of the Battersea Road/Unity Road intersection on the property known municipally as 2252 Battersea Road (Exhibit B – Neighbourhood Context (2015)).

A consent (lot addition) application (File Number D10-001-2019) was processed concurrently with the proposed Official Plan amendment & zoning by-law amendment (File Number D35-003-2019) application and was approved by the Committee of Adjustment on April 15, 2019. No appeals were received regarding the Consent application. The application was finalized on July 3, 2019. The consent application conveyed 0.73 hectares of the northern parcel (2311 Battersea Road) to the abutting southern parcel (2285 Battersea Road). Effectively, the interior lot line that divides the northern and southern parcel is proposed to be shifted 38.0 metres northward.

A heritage easement agreement has been entered into by the applicant for the James Hickey House and significant landscape features on 2285 Battersea Road. Heritage Kingston was consulted on the agreement on February 20, 2019, and it was approved by Council on March 5, 2019. The agreement was registered on the title of the lands on June 18, 2019. The easement outlines the cultural heritage attributes as including the limestone farmhouse, porch, stone

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materials and fenestration, as well as the tree lined driveway entrance, stone gate posts, mature trees surrounding the house and the large timber frame barn.

A Building Permit was issued on July 30, 2019 for the construction of a residential addition to the existing single-detached dwelling (Permit Number PRBD20182567).

Proposed Application and Submission

On April 11, 2019 a complete application for an Official Plan amendment and zoning by-law amendment were submitted for the purpose of redeveloping the properties located at the northwest corner of the Unity Road and Battersea Road intersection.

The subject lands are designated 'Rural Lands' in the City of Kingston Official Plan and are located within a General Agricultural 'A2' and Restricted Agricultural 'A1' zone within Zoning By-Law Number 76-26, as amended. The applicant is proposing to re-designate the lands to 'Rural Commercial' within the Official Plan and rezone the lands to a site-specific Special Highway Commercial 'C3-X-H' zone within Zoning By-Law Number 76-26, as amended, to accommodate the proposed development.

The application, as submitted, proposed to adaptively reuse the existing single-detached dwelling and redevelop the subject lands to accommodate a 27-suite boutique inn, spa, gift shop, restaurant, corporate event venue, and proposed 40 rental cabins distributed across the lands. The site is to include agricultural land, vineyards, gardens, a fruit and vegetable stand, craft brewery and craft winery (Exhibit C – Original Concept Plan). The development was to occur over three phases.

A Public Meeting was held on June 6, 2019 to receive feedback on the application as presented, after which a site meeting was held on June 21, 2019 to walk-through the proposed application. Since that initial Public Meeting, there have been several meetings with the applicants to discuss the project. On July 12, 2019, the applicant met with City staff and the peer reviewer to discuss the hydrogeological report submitted with the application and the additional information required in order to conduct a full review. A meeting was held on July 17, 2019 to discuss the City's concerns with the proposed reduction to the Minimum Distance Separation (barn setback distance). An updated hydrogeological report was received on September 30, 2019. First technical review comments were released to the applicant and the public on October 24, 2019 and City staff met with the applicant on October 28, 2019 to discuss the comments. Two meetings were held in November to discuss the technical review comments (November 8 and November 18, 2019).

An amended application and supporting documentation was resubmitted on January 28, 2020. The amended application continues to propose the redevelopment of the site with a boutique inn with 27 rooms (7 in the winery building proposed as a bed and breakfast, and 20 in a separate building at the rear of the property), a spa, small scale restaurant, two cafés, craft brewery/cidery/winery, a small gift shop and farm store, an event venue and associated small scale agricultural uses. The largest change for the application is the reconfiguration of the uses on-site and the development is now proposed in a single phase rather than three separate phases (Exhibit D – Updated Concept Plan).

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The rearrangement of land uses on-site is primarily in response to the technical review comments related to the provincial separation distances between existing livestock barns and new land uses (called Minimum Distance Separation). Uses that have been considered more sensitive (Type B land uses) have been moved further away from the barn, whereas less sensitive land uses (Type A land uses) can be located in closer proximity.

The spa, a café and a 20 room inn are now proposed at the northwest corner of the property (Exhibit E – Floor Plans and Elevations – Inn), moving the inn and spa out of the adapted and expanded single-detached dwelling located at the southern end of the property. The 40 cabins have been moved exclusively into the wooded area at the northern end of the property. The event centre is still proposed in the same location as the existing barn along Battersea Road, but four guest suites are no longer proposed to be located inside the event centre (Exhibit F – Event Centre Floor Plans).

The winery/brewery/cidery and tasting room, small farm store, café, restaurant and 7 guest suites are proposed to be located in the adapted and expanded single-detached dwelling (Exhibit G – Floor Plans – Main Building). The vast majority of parking to serve the development is proposed to be located along Battersea Road, with 18 employee parking spaces located behind the development and accessed from Unity Road. A vineyard, gardens, orchard and other small agricultural uses are included on the site.

The submitted zoning by-law amendment provides an updated list of the proposed uses, updated regulations and definitions for the proposed uses.

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

- Minimum Distance Separation (MDS) Study
- Heritage Impact Statement
- Noise Impact Feasibility Report
- Traffic Impact Study and Traffic Impact Study Addendum
- Environmental Impact Statement
- Hydrogeological Study, Servicing Options & Terrain Analyses
- Stormwater Management Report
- Stage 1 & 2 Archaeological Assessment
- Tree Inventory & Tree Preservation Report
- Planning Rationale and Planning Rationale Addendum
- Concept Plan(s)
- Floor Plans & Elevations
- Landscape Plan
- Aggregate Impact Assessment
- Responses to the Hydrogeological Technical Review Comments
- Response to Consolidated Technical Review Comments
- Survey

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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 (2014) 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.

Official Plan amendment and zoning by-law amendment applications under the *Planning Act* must demonstrate their consistency with the Provincial Policy Statement (Section 4.2). A comprehensive evaluation of this proposal will be included in a future comprehensive report to ensure its consistency with the Provincial Policy Statement (2014).

The subject property is located within a Rural Area and the Provincial Policy Statement contains specific policies in regards to uses within the Rural Areas in Municipalities (Section 1.1.4) and for Rural Lands (Section 1.1.5). The subject property is serviced by private water and sewage systems (Section 1.6.6.4) and will have to demonstrate that the conditions are suitable for the long-term provision of such services with no negative impacts.

New land uses in the rural areas must comply with the minimum distance separation formulae (Section 1.1.5.9). There are several active livestock operations within close proximity to the subject property. The property is subject to the Minimum Distance Separation (MDS) Formulae, as one of the livestock facilities MDS setbacks affects the subject lands.

Considerations for long-term economic prosperity, sustainability, the natural heritage system, cultural heritage, human health and safety are also considerations for the subject applications.

A preliminary list of the provincial policies applicable to the proposal is attached in Exhibit H – Preliminary PPS Policies. A detailed evaluation of the application against the applicable policies of the Provincial Policy Statement will be included in a future comprehensive report.

Official Plan Considerations

The subject property is designated ‘Rural Lands’ in the City of Kingston Official Plan (Exhibit I – Official Plan, Land Use). The intent of the Rural Lands designation is to maintain a permanent and viable agricultural industry as a component of the economic base of the City, and provide employment and a sustainable source of local food. While attempting to balance the environmental, resource protection, community and economic objectives of the rural community, the Official Plan seeks to permit a range and scale of uses that help promote the long-term growth and viability of the rural community.

The permitted uses on Rural Lands include all agricultural uses, agricultural-related uses and on-farm diversified uses, sports and outdoor recreation activities and detached dwellings that are compatible with adjacent land uses. The Plan goes on to permit limited non-farm growth

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granted it does not limit or interfere with agricultural-related uses or broader rural uses that meet the environmental objectives of the Plan.

The proposed use does not meet the intent of the Rural Lands designation. As the entirety of the subject property is designated Rural Lands, an Official Plan amendment is required to re-designate the subject property to a Rural Commercial designation.

There are limited areas of commercial development that are generally of a larger scale that serve the local rural/agricultural community or traveling public. These limited uses are designated as Rural Commercial (Section 3.14.1). The Rural Commercial designation is intended to permit a variety of larger scale recreational, social, and cultural uses and facilities, including marinas, greenhouse operations, overnight accommodations and seasonal campgrounds (Section 3.14.3).

Unlike urban areas, there are no pre-designated commercial areas within the countryside. Any new proposal for a new or expanded Rural Commercial designation will be assessed subject to the criteria as outlined in the Rural Commercial designation (3.14.8) and all other applicable policies of the Official Plan.

A preliminary list of the Official Plan policies applicable to the proposal is attached in Exhibit J – Preliminary OP Policies. A detailed evaluation of the application against the applicable policies will be included in a future comprehensive report.

Zoning By-Law Considerations

The subject properties are located within a Restricted Agricultural ‘A1’ zone and a General Agricultural ‘A2’ zone in Zoning By-Law Number 76-26, entitled “Township of Kingston Restricted Area By-law”, as amended (Exhibit K – Zoning By-Law Number 76-26, as amended, Map 1).

Both the ‘A1’ and ‘A2’ Zones permit residential uses, including an accessory dwelling house, converted dwelling house and single-family dwelling house. Both zones permit a variety of non-residential uses, including: a cemetery, a church, a conservation use, a crematorium, a farm (but not including a specialized farm as defined herein), a farm produce outlet, a forestry use, a fraternal lodge, a home occupation, a livestock sales barn, a public use in accordance with the provisions of Section 5(18), a riding stable and a seasonal fruit, vegetable, flower or farm produce sales outlet, provided such produce is the product of the farm on which such sales outlet is located. However, the ‘A2’ Zone also permits a specialized farm and a kennel.

Similar to the previous proposal, the applicant is proposing a site-specific Highway Commercial (C3-X) Zone to facilitate the proposed 27-suite boutique inn, spa, gift shop, restaurant, corporate event venue and 40 rental cabins on the subject property. As Zoning By-Law Number 76-26, as amended, does not contain a zone that aligns with a tourist-oriented commercial use, the Highway Commercial ‘C3’ zone was selected as the parent zone. Zoning By-Law Number 32-74, as amended, includes a Tourist Commercial ‘CT’ zone, which considers various types of tourist accommodations. Given the comparable characteristics of the ‘CT’ zone within Zoning

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By-Law Number 32-74, as amended, a unique hybrid zone utilizing the 'C3' zone of Zoning By-Law Number 76-26, as amended and the 'CT' zone is proposed.

Previously, the application proposed using a Holding Symbol to phase in the development across three (3) separate phases. The resubmission proposes to develop the site in one phase, with two hold symbols used to control for the uses permitted within the Minimum Distance Separation (MDS) setbacks as demonstrated on the Draft Schedule A to the proposed zoning by-law amendment.

Below is a zoning compliance table detailing the requirements of both the 'A2' Zone and 'C3' Zone of By-Law Number 76-26, and the proposals site-specific considerations:

Table 1 – Zoning Compliance

Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
Uses Permitted	Residential Uses: <ul style="list-style-type: none"> • An accessory dwelling; • A converted dwelling; • A single-family dwelling. 	Residential Uses: <ul style="list-style-type: none"> • an accessory dwelling unit in the upper portion of a non-residential building. 	Residential Uses: <ul style="list-style-type: none"> • an accessory dwelling unit in the upper portion of a non-residential building. 	No
	Non-Residential Uses: <ul style="list-style-type: none"> • a cemetery; • a church; • a conservation use; • a crematorium; • a farm, including specialized farms; • a forestry use; • a fraternal lodge; • a home occupation; • a kennel; • a livestock sales barn; • a public use; • a riding stable; 	Non-Residential Uses: <ul style="list-style-type: none"> • an animal hospital; • an automobile service station; • an existing auctioneer's establishment; • a builders' merchant; • a clinic; • a commercial club; • a drive-in restaurant; • a dry-cleaning or laundry outlet; • a farm implement dealer; • a farm produce retail outlet; • a florist shop; • a gasoline retail facility; • a golf driving range or miniature golf course; • a home occupation; • a laundromat; • a merchandise service 	Non-Residential Uses: <ul style="list-style-type: none"> • Farm • Public use • Conservation use • Hotel • Bed and breakfast, containing up to and including 7 suites; • Personal service shop* • Rental cabin* • Restaurant • Craft winery/brewery/cidery* • Farm produce retail outlet • Nursery/garden centre/greenhouse • Assembly Hall <p>(*denotes a use which is not presently permitted in the A2 or</p>	Yes

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Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
	<ul style="list-style-type: none"> a seasonal fruit, vegetable, flower or farm produce sales outlet, provided such produce is the product of the farm on which such sales outlet is located. 	shop; <ul style="list-style-type: none"> a motel or hotel; a boat sales establishment; a vehicle sales or rental establishment; a travel trailer and/or mobile home sales establishment; a prefabricated building products outlet; a public use; a rental outlet; a restaurant; a nursery/garden centre/greenhouse; a wholesale use accessory to a permitted use; a day nursery. 	C3 zones)	
Lot Area (minimum)	Other uses = 5 acres	Tourist Establishment: (c) Other lots = 2,787 metres plus 185.8 metres for each guest room in excess of 4 (40 cabins + 27 guest suites) = 1.449 hectares Other uses: (c) Other lots = 929 metres	13.7 hectares	No
Lot Frontage (minimum)	Other Uses = 100 metres	Tourist establishment: (c) Other lots = 45.7 metres Other Uses = 22.86 metres	Unity Rd: 111.5 metres	No
Front Yard Depth (minimum)	7.6 metres	3 metres	68.8 metres	Yes (to apply the A3 Zone requirement)
Exterior Yard Depth (minimum)	7.6 metres	3 metres	7.6 metres	Yes (to apply the A3 Zone requirement)

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Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
Interior Side Yard Width (minimum)	7.6 metres	Other Uses = 9.14 metres, provided that where the interior side lot line abuts another lot in a Commercial Zone, no interior side yard shall be required.	12.1 metres	No
Rear Yard Depth (minimum)	7.6 metres	Other Uses = 15.24 metres	9.1 metres	Yes
Landscaped Open Space (minimum)	Converted dwelling house = 30%	Other Uses = 20%	+28% (excludes woodland and agricultural land)	No
Lot Coverage (maximum)	Other uses = 35%	Tourist Establishment = 40% Other uses = 20%	4% (5,331 metres/137,214 metres)	No
Height (maximum)	10.67 metres	10.67 metres	13.7 metres	Yes
Open Storage	Not Applicable	No open storage of goods or materials shall be permitted except in accordance with the following provisions: (i) Every open storage use shall be accessory to the use of the main building on the lot; (ii) An open storage use shall only be permitted in a rear yard; (iii) Notwithstanding paragraph (ii) above, in the case of a vehicle sales or rental establishment, an open storage use shall be permitted in all yards provided that no such use is located closer	None proposed	No

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Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
		than 0.91 metres to any street line.		
Habitable Room Window	Not Applicable	Where the exterior wall of a tourist establishment building contains a first-storey habitable room window, such wall shall be located no less than 9.1 metres from any interior side lot line or rear lot line.	No tourist establishment (hotel or rental cabin) is less than 12.1 metres from a lot line.	No
Special Access Requirements	Not Applicable	2 per lot where a lot has a frontage on one street and 4 per lot where a lot has frontage on more than one street (maximum = 4)	5 driveways	Yes
Flood Plain Setback	No building shall be erected or altered within 7.6 metres of a flood plain (i.e. of the high water mark of a waterbody).	No building shall be erected or altered within 7.6 metres of a flood plain (i.e. of the high water mark of a waterbody).	No buildings proposed within 7.6 metres of a flood plain; the existing wetland is not a waterbody.	No
Wetland Setback	Not Applicable	Not Applicable	A general setback of 7.5 metres is proposed from the existing wetland for any development.	Yes
General Provisions (Section 5)				
Accessory uses	Lot Coverage: The total lot coverage of all accessory buildings on a lot in a Residential Zone shall not exceed 10 per cent of the lot area.		Accessory buildings comply with the setback requirements of the zone. Accessory buildings account for a portion of the 4% total lot coverage and therefore comply with the maximum requirement.	No
Loading Space Regulations	Requirements: <ul style="list-style-type: none"> 0 – 914 square metres = 0 spaces 914 – 7,620 square metres = 1 7620 – 24,384 square metres = 2 		1	No

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Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
	<ul style="list-style-type: none">• 24384+ square metres = 2 + 1 space per each additional 30,480 square metres			
Parking Requirements	<p>Tourist Establishment (includes Hotel and Rental Cabins):</p> <ul style="list-style-type: none">• 1 parking space for each guest room (27 suites + 40 cabins = 67 spaces)• plus 1 parking space for each 4 persons that can be accommodated at any one time in any beverage room or liquor lounge (40 persons – brewery, cidery, and winery tide house = 10 spaces)• plus 1 parking space for each 4 persons that can be accommodated at any one time in any beverage room or liquor lounge (100 persons – event venue = 25)• plus 1 bus parking space for each 50 guest rooms, to a maximum of 3 bus parking spaces (67 suites/cabins = 1 space) <p>Restaurant</p> <ul style="list-style-type: none">• 10 parking spaces per 100 square metres of gross leasable area (190 square metre restaurant = 19 spaces)• 10 parking spaces per 100 square metres of gross leasable area (78 square metre café at farmhouse= 8 spaces)• 10 parking spaces per 100 square metres of gross leasable area (150.5 square metre café at inn and spa = 15 spaces) <p>Retail / Personal Service Shop:</p> <ul style="list-style-type: none">• 5.25 parking spaces per 100 square metres of gross floor area (219 square metres spa gross floor area = 12 spaces)• 5.25 parking spaces per 100 square metres of gross floor area (87 metres gift shop gross floor area = 45 spaces) <p>Total parking requirement:</p> <ul style="list-style-type: none">• Parking spaces: 67 + 25 + 10 + 19 + 8 + 15 + 12 + 5 = 161• Bus parking: 1 space	161 parking spaces provided 1 bus parking space	No	
Parking Dimensions	Standard Parking Space = 2.75 metres x 6.0 metres		2.6 metres x 5.2 metres	Yes
Driveway Width	One-way = 3 metres – 9.14 metres Two-way = 6 metres – 13.72 metres		6.0 metres	No
Accessible	4% of all required parking spaces		7	No

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Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required?
Parking	Design standards: Type A = 3.4 metres x 6.0 metres Type B = 2.7 metres x 6.0 metres Access Aisle = 1.5 metres x 6.0 metres		Type A: 3.4 metres x 5.2 metres Type B: 2.7 metres x 5.2 metres 1.5 metres x 5.2 metres	Yes
MDS Requirements	The expansion of establishment of any new non-agricultural use in close proximity to an existing livestock facility shall comply with the requirements of the Minimum Distance Separation (MDS) calculation.		A minimum MDS I and II setback of 220 metres is required between the existing horse barn located at 896 Unity Road and the event venue	Yes

In addition to the specific zoning performance standards identified in Table 1, the applicant is proposing the following to be incorporated within the 'C3-X-H' zone:

- Given the proposed development is to span three separately conveyable parcels, the applicant is proposing that for the purposes of zoning, all lots located within the site-specific 'C3-X-H' zone shall be considered as one lot.
- Based on the proposed use and scale, a full-time staff member, such as a site manager or groundskeeper may reside on the subject property at all times. Therefore, the applicant is requesting flexibility in the site-specific zone to permit this residential permission.
- The following definitions are proposed within the site-specific zone, where the uses proposed are not defined in Zoning By-Law Number 76-26:
 - a. "Rental cabin" means a detached building providing sleeping accommodation for the travelling or vacationing public, which may include cooking and/or washroom facilities.
 - b. "Craft winery" or "craft brewery" or "craft cidery" means the use of land, buildings or structures for the production and distribution, including sale, of beer, cider, and/or wine products and may include retail and/or a sampling area.
 - c. "Farm produce retail outlet" means a use supplemental to a permitted farm which consists of the retail sale of agricultural products.
 - d. "Conservation use" means the preservation, protection and improvement of the natural environment through management and maintenance programs.
 - e. "Assembly Hall" means the use of any lot, building or structure, or part thereof, in which facilities are provided for the gathering of persons for civic, political, travel, religious, social, educational, recreational or similar purposes or for the consumption of food or drink. This definition includes an auditorium, banquet hall or similar use where the principal focus of the use is assembly.
 - f. "Type A land use" shall include the following permitted uses:

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- Bed and Breakfast, containing up to and including seven (7) suites;
 - Restaurant, which satisfies the criteria for 'on-farm diversified use' or 'agriculture-related use' as described in OMAFRA's Publication 851 or successor document;
 - Retail Store, which satisfies the criteria for 'on-farm diversified use' or 'agriculture-related use' as described in OMAFRA's Publication 851 or successor document;
 - Craft winery, craft brewery or craft cidery, which satisfies the criteria for 'on-farm diversified use' or 'agriculture-related use' as described in OMAFRA's Publication 851 or successor document;
 - Farm produce retail outlet.
- The applicant is proposing to introduce a minimum setback of 7.5 metres for all buildings and structures from the wetland area, to protect the natural heritage feature.
 - The applicant is proposing to reduce the MDS setback requirement for a Type B land use from the nearest livestock facility from 240 metres to 220 metres.
 - The applicant is proposing a maximum cabin size of 46.5 square metres.

As part of the zoning by-law amendment application, the applicant is proposing to establish two Hold Symbols (-H1 and -H2) to recognize the MDS Setbacks from the adjacent barn at 896 Unity Road for Type A and Type B lands uses. The applicant is proposing that only specific uses be allowed in each setback in accordance with the MDS Guidelines and requirements of the Provincial Policy Statement, 2014. The Hold is proposed to only be removed if the adjacent barn ceases to generate an MDS setback.

Technical Circulation Process

The application has been circulated to a number of internal departments and external agencies for review and comments. The responses to the technical circulation will be addressed in the technical review and included in the comprehensive report for consideration at a future Planning Committee meeting.

Existing Policy/By-Law:

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

Provincial

Planning Act

Provincial Policy Statement, 2014

Municipal

City of Kingston Official Plan

Zoning By-Law Number 76-26, as amended

February 20, 2020

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Notice Provisions:

Pursuant to the requirements of the *Planning Act*, a notice of the Statutory Public Meeting was provided by advertisement in the form of signs posted on the subject site 20 days in advance of the Public Meeting. In addition, notices were sent by mail to all 21 property owners (according to the latest Assessment Rolls) within 120 metres of the subject property (Exhibit L – Public Notice Notification Map). A courtesy notice was also placed in The Kingston Whig-Standard on February 11, 2020.

Accessibility Considerations:

None

Financial Considerations:

None

Contacts:

Tim Park, Manager, Development Approvals 613-546-4291 extension 3223

James Bar, Senior Planner 613-546-4291 extension 3213

Other City of Kingston Staff Consulted:

None

Exhibits Attached:

Exhibit A	Key Map
Exhibit B	Neighbourhood Context (2015)
Exhibit C	Previous Concept Plan
Exhibit D	Updated Concept Plan
Exhibit E	Floor Plans and Elevations – Inn
Exhibit F	Floor Plans – Event Venue
Exhibit G	Floor Plans – Main Building
Exhibit H	Preliminary PPS Policies
Exhibit I	Official Plan, Land Use
Exhibit J	Preliminary OP Policies

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Exhibit K	Zoning By-Law Number 76-26, as amended, Map 1
Exhibit L	Public Notice Notification Map
Exhibit M	Public Correspondence Received to Date
Exhibit N	Proposed Draft Official Plan Amendment & Schedule A
Exhibit O	Proposed Draft Zoning By-Law & Schedule A