



**City of Kingston
Report to Planning Committee
Report Number PC-20-045**

To:	Chair and Members of the Planning Committee
From:	Paige Agnew, Commissioner, Community Services
Resource Staff:	Tim Park, Manager, Development Approvals
Date of Meeting:	July 16, 2020
Subject:	Comprehensive 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 comprehensive report recommending approval to the Planning Committee regarding applications for Official Plan and zoning by-law amendments 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 (Exhibit C – Key Map). This report contains a detailed analysis of provincial and local planning policy, technical review studies, and proposed regulations.

The application proposes the redevelopment of the site with: 67 hotel rooms, of which 40 can be rental cabins; a spa; agricultural uses; a winery/nano-brewery/cidery and associated tasting room and tied house; a limited-scale restaurant in the James Hickey House; a farm produce

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retail outlet and café; an event centre; and another restaurant/cafe located in the hotel/spa building at the rear of the property. The development is proposed in a single phase.

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 Highway Commercial 'C3-20' zone within Zoning By-Law Number 76-26, as amended to facilitate the proposed development through this application.

There are no pre-designated commercial or industrial lands in the Kingston rural area, however commercial and industrial uses are permitted in the rural area based on the scale and intensity of the use. The Official Plan allows for the consideration of large-scale commercial developments on a site-specific basis through an Official Plan amendment based on detailed criteria outlined in the Plan. The intent is to support the rural and agricultural communities, as well as the tourism industry.

Applications to re-designate lands from Rural Lands to Rural Commercial are subject to the specific tests for re-designation that include compatibility (the type of uses proposed and what uses exist in proximity to the proposed uses, the height, massing, setbacks, and lot coverage); the uses impact on the local area in terms of traffic, servicing, location, natural environment, and noise; and, whether or not the proposed land use change represents good land use planning.

The character of the intersection of Unity Road and Battersea Road is defined by a higher concentration of uses in the rural area that include clusters of residential dwellings, a school, a church, and agricultural uses. These uses are spaced apart with large open areas used as fields or treed spaces separating the clustered uses.

The overall intent of the application is to create a rural focused tourism commercial development that is still in close proximity to the urban core of the City. The uses proposed for the site are compatible with the existing residential and agricultural uses in the area, as they are low scale passive uses that require agricultural inputs, larger open spaces, quiet settings, and larger separation distances that would be out of context in an urban setting and would not make the best use of urban serviced lands.

The proposed development maintains large open spaces on the subject lands by clustering uses in two distinct areas: the James Hickey House at the front of the property is being expanded to house additional uses and the barn on Battersea Road is proposed to be

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repurposed as an event centre; and the majority of new buildings (hotel, spa, cabins) are proposed to be located in the treed area, which will provide buffering and screening from both the road and from neighbouring dwellings. An agricultural component is required on site in order to have the winery/nano-brewery/cidery use and the accessory tasting room.

The new and expanded buildings maintain the low scale character of the area. Maximum heights for new buildings are capped at 7.5 metres for the cabins and 13.7 metres for the other uses, which is consistent with the 10.6 metre height maximums of the adjacent agricultural zones. A maximum lot coverage of 10% is established in the site-specific zone. This is well below the 40% that is typically permitted by the Highway Commercial C3 Zone, and lower than the 35% permitted in the Agricultural A2 Zone, meaning that only 1.37 hectares of the 13.7 hectare site area will be covered in buildings and structures. The remainder of the site, outside of the areas needed for parking and drive aisles, can be used as open space, agriculture uses, and treed areas.

Setbacks for specific uses have been increased to maintain the rural and heritage character of the site and provide additional buffering from existing uses. The James Hickey House requires additional consideration due to its heritage value and has a 60 metre front yard setback and a 30 metre side yard setback to maintain an open and active agricultural space facing Unity Road. The event centre will be located at least 80 metres from any existing neighbouring dwelling. The hotel and spa building must be 30 metres from the existing residential cluster along Battersea Road. In addition to the increased setbacks, where the property abuts a property containing a residential dwelling, a fence and/or unbroken landscape buffer that is 3 metres wide and 1.8 metres tall must be provided.

The applicant has satisfied all technical study requirements in order to support the land use change. The Traffic Impact Study has demonstrated that there is sufficient capacity in the transportation network to support the development and that the entrance configuration disperses traffic entering and exiting the site. The Environmental Impact Study has demonstrated the development will have minimal impact on the natural heritage features of the site, and the proposed recommendations that are being implemented through the site-specific zone (7.5 metre setback from the existing wetland), and matters related to tree removal and the times that it can occur through a future Site Plan Control agreement. The stormwater works have been designed to maximize infiltration and maintain water quality in the Highly Vulnerable Aquifer (HVA) and Significant Groundwater Recharge Area (SGRA). The noise study identified where there is a potential for noise to be generated and recommendations to be considered through the design of the buildings to mitigate those concerns. The site has been cleared of archaeology and a Heritage Easement Agreement (HEA) is registered on the title of the lands to protect the heritage attributes of the James Hickey House. This HEA was supported by a Heritage Impact Statement and recommended by Heritage Kingston for approval by Council in 2018.

A hydrogeological study and addendums have been submitted and peer reviewed by the City's consulting hydrogeological engineer. The report included a water balance table demonstrating

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the daily demands from the proposed uses, well testing, and a water monitoring program to be implemented during construction and for two years after full buildout of the site. The Peer Review confirmed that the hydrogeological work completed by the proponent's consultant team has satisfactorily evaluated groundwater quantity, quality, and interference to existing or future neighbours. The analysis confirms that the hydrogeologic conditions are suitable for the proposed development. A development agreement registered on the title of the lands will implement the water monitoring program. Hydrogeological reporting to confirm compliance with the approval will be required throughout the site plan control stage.

The intent of the Minimum Distance Separation setback from the adjacent barn at 896 Unity Road has been met by categorizing the land uses proposed on site as Type A or Type B land uses and applying the applicable MDS setback. The barn at 896 Unity Road will be able to expand to double its current size and hold twice as many animals even with the minor reduction to the Type B land use setback.

The tourism commercial use will bring new employment and amenities to the countryside in an area that is already heavily developed with residential and non-agricultural uses and is in close proximity to the City's urban core. These uses have the potential to create year-round employment and build on Kingston's tourism offerings.

The application has satisfied the tests in the Provincial Policy Statement and the City's Official Plan for the land use change from Rural Lands to Rural Commercial. The site will not negatively impact the adjacent livestock barn as uses on site will be set back in accordance with the applicable MDS setback. Uses are scaled appropriately and buffered, screened, and setback in a compatible manner to reflect and reinforce the low scale and open space character of the Battersea Road/Unity Road intersection. Recommendations from the technical studies are implemented through the appropriate control mechanism and will be further reviewed through a future Site Plan Control application. The draft zoning by-law amendment contains clear definitions and regulations to implement the uses. The application has satisfied the tests of good land use planning, will bring new economic opportunities, and represents a compatible land use change in the rural area.

Recommendation:

That the Planning Committee recommends to Council:

That the applications for Official Plan and zoning by-law amendment (File Number D35-003-2019) submitted by BPE Development Inc. and Fotenn Consultants Inc., on behalf of BPE Development Inc., for the property municipally known as 2285 Battersea Road, 2311 Battersea Road and Kingston Con 6 PT Lot 33 RP; 13R-15799 Part 1, be approved; and

That the City of Kingston Official Plan, as amended, be further amended, amendment number 67, as per Exhibit A (Draft By-Law and Schedule A to Amend the Official Plan) to Report Number PC-20-045; and

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That By-Law Number 76-26, entitled "Township of Kingston Restricted Area By-Law", as amended, be further amended, as per Exhibit B (Draft By-Law and Schedule A to Amend Zoning By-Law Number 76-26) to Report Number PC-20-045; 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-laws be presented to Council for all three readings.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Community Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**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, 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:**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.

A Public Meeting was initially held for the application on June 6, 2019. Following the first round of technical review that yielded significant changes to the site layout, a second Public Meeting was held on February 20, 2020.

In accordance with the *Planning Act*, this application is subject to a decision by Council on or before November 7, 2019 which is 210 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 Local Planning Appeal Tribunal (LPAT).

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 210 days after a complete application was received.

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.

A Public Meeting was held on June 6, 2019 to receive feedback on the application as submitted. The details of the original submission can be found in Planning Committee Report [PC-19-039](#). After the first Public Meeting and subsequent discussions and technical review, the application was revised and resubmitted on January 28, 2020 and a second Public Meeting was held on February 20, 2020. Details on the second submission and the process on the application between the first public meeting can be found in Planning Committee Report [PC-20-2020](#).

The application as amended through the technical review process and presented in this report proposes to redevelop the site with: 67 hotel rooms; a spa; agricultural uses; a winery/nano-brewery/cidery and associated tasting room and tied house; a limited-scale restaurant in the James Hickey House; a farm produce retail outlet and café; an event centre; and another restaurant located in the hotel/spa building located at the rear of the property (Exhibit D – Concept Plan).

Of the 67 rooms, only 7 are proposed in an existing expanded farmhouse (James Hickey House) due to the existing minimum distance separation (MDS) setback from the adjacent livestock facility at 896 Unity Road. A further 20 are proposed in a hotel building to be located at the rear of the property, and up to 40 of the rooms can be developed as individual cabins with a restricted floorplate of 47 square metres and height of 7.5 metres. Additional rooms can be added to the hotel located at the rear of the property, however less cabin style rooms would be

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permitted as a result. The 40 cabins have been moved exclusively into the wooded area at the northern end of the property.

The spa, a café and restaurant are proposed along with the 20 room hotel at the northwest corner of the property (Exhibit E – Floor Plans and Elevations – Inn). The plans show an access for this building across 2359 Battersea Road, the right of access to which staff understand to be disputed by the land owner. This however does not have an impact on the recommendation for the applications for Official Plan amendment and zoning by-law amendment since an internal roadway on the subject lands can be designed to provide vehicular access to the rear of the property and this roadway does not require detailed regulation under the Official Plan and zoning bylaw. Entrance details will be reviewed through a future Site Plan Control application.

The event centre is proposed to be adjacent to the James Hickey House (Exhibit F – Event Centre Floor Plans). However, the zoning as proposed allows for some flexibility in the location of the event centre so long as it is outside of the MDS Type B land use setback and it is a minimum of 80 metres from adjacent neighbours' dwellings.

The winery/brewery/cidery and tasting room, small farm store, café, restaurant, and 7 guests suites are proposed to be in the adapted James Hickey House (Exhibit G – Floor Plans – Main Building). The tasting room and tied house, restaurant including any outdoor patio seating, and farm store will have a maximum floor area of 200 square metres each. Most of the parking to serve the development is proposed to be located along Battersea Road, with 18 employee parking spaces located behind the James Hickey House accessed from Unity Road. The lands are proposed to be planted with a minimum of 2 hectares for agricultural crops including a vineyard, gardens, orchard, and other small agricultural uses.

The development is proposed in a single phase; however, the developer can choose to incrementally build out the site. This would be undertaken through the Site Plan Control process and future amending Site Plan Control agreements as buildings and uses are added.

At full buildout, the site is anticipated to have a capacity to accommodate 134 people in overnight accommodations, plus visitors to the tasting room and tied house, restaurant, and event centre. Visitors to the site would cycle throughout the day but it is anticipated at full buildout, the sites maximum capacity could be 280 people. With the new configuration of uses on site, the guests would be dispersed across the 13.7 hectares.

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

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- Minimum Distance Separation (MDS) Study;
- Heritage Impact Statement;
- Noise Impact Feasibility Report and Addendum;
- Traffic Impact Study and Traffic Impact Study Addendum;
- Environmental Impact Study;
- Hydrogeological Study, Servicing Options & Terrain Analyses;
- Stormwater Management Report and Addendum;
- Stage 1 & 2 Archaeological Assessment and Ministry Registration Letter;
- 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; and
- Survey.

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.

Site Characteristics

The properties are situated in the northwest corner of the Battersea Road/Unity Road intersection (Exhibit C – Key Map). The property at 2285 Battersea Road is 2.87 hectares in size with 199 metres of frontage on Battersea Road and 115 metres of frontage on Unity Road and contains a single-family dwelling known as the James Hickey House, 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 that 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.

The properties are adjacent to multiple clusters of residential dwellings, 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 and triggers MDS. 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 at the southeast corner of the Battersea Road/Unity Road intersection on the property known municipally as 2252 Battersea Road (Exhibit H – Neighbourhood Context (2015)).

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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 has been 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 (File Number F32-001-2019). Heritage Kingston supported the proposed works and 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 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 which is referred to as the 'James Hickey House' in this report (Permit Number PRBD20182567).

Technical Studies

Planning Justification Report, MDS Study, and Addendum

The Planning Justification Report (dated April 9, 2019), MDS Study (dated March 1, 2019), and Addendum (dated January 28, 2020), were submitted to provide an overview of the permitted uses, demonstrate the application's consistency with the Provincial Policy Statement, conformity to the City of Kingston Official Plan, and implementation of the proposed land use change through the amendments to the Official Plan and Zoning By-Law Number 76-26. Additional justification was provided through the response to technical review comments.

A review of the planning justification can be found in the Provincial Policy Statement Section and Exhibit I – Applicable PPS Policies, Official Plan Section and Exhibit M – Applicable Official Plan Policies, and the zoning by-law Section.

Hydrogeological Study, Servicing Options and Terrain Analyses

A Hydrogeological Study, Servicing Options and Terrain Analyses report dated April 5, 2019 was completed by a licenced engineer who specializes in hydrogeology from ASC Environmental Inc. The report assessed the potential soil and groundwater contamination resulting from historical use of the study area and potentially contaminating activities arising from off-site sources. The report also includes a hydrogeological assessment, groundwater quality tests, and a sewage system assessment.

The initial report was reviewed by the City's Peer Review consulting engineer, who is a professional geoscientist at Malroz Engineering and comments provided to the applicant in the

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first Peer Review report dated June 28, 2019. A meeting was held on July 12, 2019 with the applicant and ASC Environmental to discuss the initial Peer Review and additional works needed to complete the review. This included accounting for all the uses proposed through the Official Plan amendment and zoning by-law amendment, how the importation of off-site water was being proposed, what type of geothermal system was being proposed, clarification on the requirement to apply for a permit to take water, and clarification on the assumptions and testing period. Information was also required on how impacts were going to be monitored and what the process was for handling complaints if adjacent wells were impacted. A response memo was submitted dated September 30, 2019. This report was reviewed by Malroz Engineering and a second Peer Review report dated October 23, 2019, was provided with the consolidated technical review comments.

A response from ASC Environmental dated January 27, 2020 was submitted that included an updated table containing the water demands for the site based on anticipated flow data from the Ontario Building Code, descriptions outlining the assumptions for certain uses, additional information about the quantity of groundwater, the groundwater monitoring program, pump testing and wells, and groundwater quality.

A groundwater monitoring program is proposed for the duration of construction and for two years after the development is fully built out. A water monitoring program is not required by the *Ontario Water Resources Act* and the Ministry of Environment Conservation and Parks (MECP) cannot require a water user to keep logs of usage. This is a proactive step that the municipality can require as part of the development approvals process that goes above and beyond what is required for approvals in the rural area. The City is requiring the implementation of the water monitoring program. The terms of the water monitoring program will be captured in a Development Agreement that is registered on the title of the lands. This requirement is reflected in one of the conditions to remove the Hold symbol from the site-specific zone.

The monitoring program will track the water levels in the site's wells, as well as select neighbouring wells to understand if there is any interference on adjacent wells from the water takings at 2285 Battersea Road. These logs can assist the Ministry of Environment Conservation and Parks in reviewing groundwater concerns in the area should there be an issue.

The MECP has the legislative responsibility for the management and protection of ground water and surface water resources in the Province of Ontario. This authority is provided under the *Ontario Water Resources Act* R.S.O. 1990, the *Environmental Protection Act* R.S.O. 1990 and the *Environmental Assessment Act* R.S.O. 1990.

Two additional questions were received from the public regarding testing for uranium in the water, and accounting for water waste in the reverse osmosis process. ASC Environmental responded to both questions via email on April 20, 2020. The responses and review by Malroz Engineering are included in the final Peer Review report dated May 8, 2020. In this report, Malroz Engineering was able to provide answers to the original questions put forward by the City as part of the Peer Review process.

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- i. if the hydrogeological work completed by the proponent's consultant team satisfactorily evaluates groundwater quantity, quality and interference to existing or future neighbours.

In the opinion of Malroz Engineering considering the work undertaken to date, including responses to the Peer Review comments and proposed implementation of a monitoring program, the hydrogeological work completed by the proponent's consultant team has satisfactorily evaluated groundwater quantity, quality, and interference to existing or future neighbours.

- ii. provide a conclusion as to whether we agree or disagree with the proponent that the hydrogeological conditions are appropriate for the proposed development water takings and servicing options.

The proponent's consultant has reasonably addressed our Peer Review comments, in our opinion. The analyses completed to date by ASC indicate that the hydrogeologic conditions are suitable for the proposed development as outlined in ASC's January 27, 2020, letter.

- iii. provide a conclusion as to whether we agree or disagree with the proponent's analysis, assessment, results, conclusions and recommendations.

The proponent's consultant has reasonably assessed the site, supported their conclusions, and provided suitable recommendations for the proposed development.

Traffic Impact Study

The Traffic Impact Study was completed by a professional engineer who specializes in transportation engineering at GHD dated February 4, 2019. The study was based on typical anticipated check-in and check-out times and a normal distribution of trips. It is anticipated that the 27-suite inn and the 40 cabins will generate the majority of the trips to and from the site. These additional trips will result in approximately 50% capacity utilization of Battersea Road and will not require controls or roadway geometry. Overall, the findings of the Traffic Impact Study found that while the proposed development will generate an increased number of vehicular trips throughout the day, it will have negligible impact on the overall road capacity. No roadway modifications are required to accommodate the traffic generated by the proposed development. An addendum was submitted dated January 23, 2020 that reviewed the new proposed layout of the site.

The Traffic Impact Study and addendum was reviewed by the City's Transportation Services department and concluded there are no traffic related concerns with this development. Comments about concerns with the traffic report were received from the public before and at the June 6, 2019 Public Meeting regarding the use of 2010 traffic data counts at the intersections of Battersea Road and Kingston Mills Road. These comments were reviewed by Transportation Services along with more recent traffic counts for Battersea Road and Kingston Mills Road (2018) and Battersea Road and Unity Road (2016). Transportation Services concluded that

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there is indeed more than adequate capacity on Battersea Road to accommodate the proposed spa.

Noise Impact Feasibility Report

A Noise Impact Feasibility Report was conducted by an acoustical engineer at J.E. Coulter Associated Limited dated March 7, 2019, and an addendum to the noise report was submitted dated February 5, 2020 that reviewed the proposed changes to the site layout.

The purpose of the report is to outline the feasibility of the proposed use in terms of satisfying the Ministry of the Environment, Conservation and Parks (MECP) noise criteria and the City of Kingston Noise By-Law (Number 2004-52). The MECP publishes NPC-300 (Environmental Noise Guideline) for implementation by local municipalities. Under NPC-300, the site area is classified as Class 2 and Class 3 for the purposes of noise analysis, meaning the site is a rural area that has an acoustical environment dominated by natural sounds with little road traffic, and low evening and night background sound level defined by natural environment and infrequent human activity starting as early as 19:00 hours (19:00 or 23:00 to 07:00 hours).

Noise Studies only regulate stationary noise sources such as rooftop HVAC units, exhaust fans, or other mechanical noise sources. They also assess the impact of transportation noise sources such as noise from roadways on a development.

Whereas a noise study reviews stationary noise sources, the City's By-Law to Regulate Noise (By-Law Number 2004-52) regulates activities that generate noise and provides specified dates and times when they can and cannot occur. These activities include amplified voices and sounds and the operation of vehicles or equipment. The area is classified as a residential area under the noise by-law, meaning residential noise levels and hours apply.

The report determined that the two venue buildings and outdoor venue area require additional noise control measures to ensure compliance with the MECP's NPC-300 noise guideline. In order to meet MECP's NPC-300 noise criteria and the City of Kingston Noise By-Law (Number 2004-53), the following measures are recommended:

- The exterior building façade (walls and ceiling) of both venue buildings are to be constructed with an assembly rated at a minimum Sound Transmission Class (STC) of 45 in the areas where music is to be played. This is applicable to both the walls and roofing. Once detailed architectural drawings are available, a final review of the exterior wall and roofing can be completed to ensure the MECP's noise criteria are met.
- Exterior windows are to be rated at STC 36 (6 millimetre commercial double glazing).
- The sound system is to be placed on a sound limiter system so that the set maximum level cannot be exceeded. A house sound system will help reduce the potential issue compared with outside groups bringing their own equipment. Access to the sound limiter device should only be available to upper management. An in-house loudspeaker system

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can be set up to accommodate this. If groups bring in their own sound system, management will need to ensure they cannot exceed the sound output limit.

- The buildings are to be air conditioned or otherwise ventilated so that doors and/or windows can remain closed. Open doors and windows will generate noise impacts, especially when music is played into the latter part of the evening and night.
- Where possible, entrance and exit doors should be placed so that they are not directed toward the off-site housing. This will help to limit sound from transmitting directly to them. Local screens (i.e. fencing and/or landscaping) close to the doors can be considered to help reduce any potential noise issues.
- It is recommended that a final review at Site Plan be undertaken to ensure the detailed architectural and mechanical plans (windows, walls, doors and roofing), ventilation systems and site layout meet the requirements of MECP and the City of Kingston Noise By-Law.

The reports were reviewed by the City's Engineering Division and concluded that there are no concerns with the feasibility report for the Official Plan amendment and zoning by-law amendment. A detailed noise study will be required at the time of Site Plan Control.

This area is considered a residential area. This means noise by way of amplification is prohibited 24/7 if the sound can be heard from one premise to another. The owner may apply for an exemption, but if the location is looking to hold an event every weekend, this exemption would have to be brought to Council. Issues related to noise are reviewed by the City's By-Law Enforcement Officers.

Environmental Impact Study

The Environmental Impact Study (EIS) dated February 5, 2019, was completed by Ecological Services. The purpose of the EIS is to determine if a proposed development will have a meaningful negative impact on natural heritage features and their associated ecological functions. This report was reviewed by the Cataraqui Region Conservation Authority (CRCA).

Natural Heritage

The subject lands are designated Natural Heritage Area 'B' on Schedule 8-B in the Official Plan. The Official Plan indicates that development and site alteration will not be permitted in areas identified as Natural Heritage 'B' unless it has been demonstrated that there will be no negative impacts on the natural heritage features or areas or ecological functions. A similar policy applies to lands within 120 metres of these features.

The study has assessed the existing woodland on the subject lands in accordance with criteria for significance laid out in the Natural Heritage Reference Manual. The only criterion that the woodland may meet, based on a conservative approach, is the linkage function. However, the report concludes that the development has been designed specifically to minimize woodland disturbance and the resulting tree loss from the proposed cabins and roadways on the northern lot will be minimal. The proposed uses in the woodland area are relatively low impact and the overall integrity of the wooded area along with the much larger contiguous woodland to the north

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will be maintained. Further, the development proposal will not result in the loss of the connection between the existing wooded area on the subject lands and the larger treed area to the north.

The CRCA concluded that they are satisfied with the finding of the EIS as it relates to significant woodlands – that the development will have no negative impact on significant woodlands and adjacent lands.

Wildlife Habitat

The EIS found that the wildlife habitat present on the subject lands does not meet criteria as “significant” in accordance with the Natural Heritage Reference Manual (NHRM). The report speaks to habitat for migratory birds on the subject lands and makes recommendations to protect migrating birds during the development of the property along with other recommended environmental best practices.

Surface Water Features

There are no identified watercourses on the subject property. The EIS identified two small wet areas, one a swamp thicket roughly 0.35 hectare in size located in the approximate centre of the northernmost lot and a much smaller meadow marsh located on an adjacent lot to the west.

Neither feature meets the necessary criteria for consideration as a significant wetland. These features are below the minimum area threshold for regulation under Ontario Regulation 148/06 and there is no apparent hydrologic connection to other waterbodies in the area.

The EIS concludes that the ecological value of these features is limited. CRCA staff recommend preservation of these features to allow their ecological and hydrologic function, while limited, to remain. It is our understanding that the proponent has made design changes to retain the wetland areas and have shown a 7.5 metre development setback on the concept plan.

Species at Risk

Butternut trees were found within the site boundary. Specifically, three butternut specimens were identified just in from the tree line that separates the open field from the wooded area. The environmental consultant has provided necessary information to ensure compliance with applicable species at risk legislation (*Species at Risk Act*, *Endangered Species Act*). The report states that the development has been configured so that a minimum 30 metre buffer around these trees will be maintained.

Staff are satisfied with the methodology and findings of the Environmental Impact Study. The CRCA concluded that the report has adequately demonstrated no negative impact in accordance with the 2014 Provincial Policy Statement and City of Kingston Official Plan.

To ensure proper protections and mitigation measures are implemented prior to and during development, the following specific recommendations from the EIS should be incorporated through the Site Plan Control process:

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- 1) It is recommended that a minimum setback of 7.5 metres should be maintained around the small wetland patch, and that the setback be maintained as a “no-cut” zone, within which no removal of trees or shrubs is permitted.
- 2) It is recommended that tree removal be minimized for protection of the possible linkage function of the woodland habitat and for the protection of species of conservation concern that are or may be present. The identification of defined building envelopes for the small cabins should be part of this approach, prohibiting the landowners from clearing trees and shrubs outside the specified envelope.
- 3) It is recommended that any necessary vegetation removal be conducted during the fall and winter period to preclude impacts to nesting birds, and that no removal of woody vegetation (trees or shrubs) occur between April 15 and July 31 in order to comply with the requirements of the *Migratory Birds Convention Act*.
- 4) If the removal of any of the three identified Butternut trees is required, an official submission of the BHA assessment must be made prior to that removal, and all applicable requirements met.
- 5) It is recommended that the retainable Butternut tree be protected from impact by plan amendment, if required, such that no cabin is located within 30 metres of the tree.
- 6) If any additional Butternut tree is encountered, such trees cannot be removed prior to a series of required steps: a health assessment must be completed by a designated BHA and undertaken in an appropriate season; the assessment must be submitted to the appropriate office; and provincial protocols must subsequently be followed, which vary depending upon its assessed health category, if the tree is to be removed.

The recommendations will be implemented through the site-specific zone and future Site Plan Control agreement. The zoning by-law contains a 7.5 metre setback from the small wetland patch.

The Site Plan Control agreement will contain conditions regarding when vegetation can be removed and the parameters surrounding the butternut tree. An updated tree inventory and tree removal plan will be required at the time of site plan control. If work continues in advance of site plan control, a tree permit will be required. The tree permit can specify times when trees cannot be removed.

Stormwater Management Report

Further to their May 3, 2019 comment letter, the CRCA completed a preliminary review of the updated SWM information from Greer Galloway dated May 6, 2020.

The stormwater management report and addendum concluded that the design of the system meets the water quantity and quality objectives as defined by the CRCA and MECP guidelines. The system has been designed to maximize infiltration using sheet flow drainage patterns and flat-bottomed swales. Water quality objectives have been assessed, and the enhanced vegetated swales have been designed in accordance with the recommendations given in the Toronto Region Conservation Authority/Credit Valley Conservation ‘Design Guide’ for Low Impact Development design.

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The CRCA has no objections to the proposed zoning by-law amendment based on their consideration of natural hazards, natural heritage, and water quality protection policies. A complete detailed review of the comprehensive SWM Report and other supporting documents will be undertaken at the Site Plan Control stage, should this application be approved.

Archaeological Assessment Stage 1 and 2

The Stage 1 & 2 Archaeological Assessment dated June 8, 2018, was conducted by Abacus Archaeological Services. The City of Kingston Archaeological Master Plan has identified the subject site as having potential for archaeological resources based on its location adjacent to a historic transport route and related farmsteads, however there are no registered archaeological sites located within 1 kilometre of the property. Based upon the potential for archaeological resources, Stage 2 testing was performed in May 2018. Excavation conducted during Stage 2 of the assessment found no significant archaeological resources on the subject site.

Heritage Planning staff have reviewed the report and received correspondence from the Ministry of Tourism Culture and Sport on February 25, 2020 that the report was entered into the archaeological register.

Tree Inventory Study

A tree survey was prepared by Greer Galloway Group Inc. The plans show the location of existing trees throughout the site. The Tree Inventory and Preservation Report was conducted by ECO Tree Care. The report describes all trees on the subject site on the two southern parcels. It is recommended that all remaining trees in the study area be protected from construction activities throughout the duration of the construction process. If it is required to remove any trees in the process of modifying the site, a minimum of 1:1 replacement ratio must be considered. Replacement tree species native to the landscape and which are 60 millimetre (B&B) are suitable. A future tree inventory will be required for areas that have not previously been surveyed prior to any development proceeding in those areas.

The report was reviewed by City Forestry. Works have been ongoing on-site. In accordance with the Tree By-Law, if the applicant wishes to continue to perform site works that may impact existing tree cover then a Tree Permit will be required in advance of Site Plan Control approvals. This will allow for the establishment of Tree Preservation areas/zones around existing tree cover and minimize compaction impacts to root systems. The recommendations within the submitted arborist report will be addressed as part of the permit conditions.

Aggregate Resource Impact Analysis

A portion of the subject lands is designated as Sand and Gravel Resource Area (Tertiary), and a portion of the subject lands is designated Rural Aggregate Bedrock Reserve on Schedule 12 - Mineral and Aggregate Reserve Areas in the Official Plan.

An Aggregate Impact Assessment was prepared by Fotenn Consultants Inc. dated January 27, 2020, which assessed how the proposed development potentially impacts aggregate operations

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in the surrounding area. The report reviews the potential impacts of the proposed development on the aggregate sand and gravel reserve area, limestone plain resources, and bedrock reserves on the site and within the surrounding area.

The report concluded that due to the presence of natural constraints on the site, including wetland and woodland area, cultural heritage features, frontage on two roads, permanent man-made features on the site and within the surrounding area, and the site's location abutting and adjacent to residential and agricultural uses, the potential extraction area of the site could not feasibly be developed for that purpose. Overall, the combined constraints and required buffering apply to the majority of the site and compromise the ability of the site to be developed as a mineral aggregate resource operation.

The Ministry of Natural Resources and Forestry who administer the *Aggregate Resources Act* reviewed the report and indicated they were satisfied with the response.

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. 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).

The subject property is located within a Rural Area and the Provincial Policy Statement contains specific policies regarding land uses within the Rural Areas in Municipalities and for rural lands. In rural areas, rural lands are more flexible than prime agricultural lands and naturally evolve over time with a mix of residential, resourced based uses, agricultural uses, and other rural and non-rural land uses. The area centred around Battersea Road and Unity Road is fairly built up in terms of residential and institutional uses. This is not a typical land use arrangement and form of most rural areas.

The Provincial Policy Statement directs municipalities to promote the diversification of the economic base and employment opportunities in the rural area to ensure long term financial viability of rural areas. It discusses the importance of leveraging rural assets and amenities and specifies the types of land uses that are permitted. These land uses are broadly permissive, subject to compatibility criteria including the retention of rural character and rural landscapes. Specifically, "Recreational, tourism and other economic opportunities should be promoted" by municipalities in rural areas.

The proposal maintains and adds additional uses to these rural lands in a visually compatible and complementary manner. The site proposes to continue agricultural uses on the southern open portion of the site and to adaptively reuse and expand the existing heritage designated farmhouse. The new hotel building, cabins, and the spa in the northern wooded section are buffered and visually screened from the adjacent residential dwellings.

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The development would add a new tourism commercial use to the rural area, where the PPS directs these types of uses to be located. The development would create a year-round tourism destination and for new jobs, diversifying the economy of the countryside.

There are no municipal water or wastewater services available to the site. The development will rely on private water and wastewater systems. As demonstrated through the Hydrogeological Study and Peer Review, there is enough groundwater resources to support the proposed development. The wastewater system is permitted and regulated by MECP and will require the issuance of a permit through their office.

The site has been cleared of archaeology, is subject to a heritage easement agreement, and has demonstrated there is capacity in the transportation network for additional traffic. An Environmental Impact Study was submitted in support of the application and reviewed by the CRCA. The recommendations of the report are being included in the site-specific zone regulations and will be required for any future Site Plan Control application.

Minimum Distance Separation (MDS)

Justification for the development's approach to MDS were included in the Planning Rationale and Addendum, MDS Memo, and technical review comments.

Section 1.1.5.9 of the Provincial Policy Statement states that in rural areas, new land uses, and new or expanding livestock facilities (barns), shall comply with the minimum distance separation (MDS) formulae. The Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) Publication 853 (MDS Guidelines) provides direction to municipalities for implementation of the MDS as defined in the PPS. Decisions on Planning Act applications are required to be consistent with the PPS, including municipal official plans and zoning by-laws.

Section 2.1 of the MDS Guidelines outlines that permitting development which is incompatible with livestock facilities can have a detrimental impact on the ability of surrounding agricultural operations to expand. New development in the rural areas introduces potential new sources for nuisance complaints regarding odour from livestock facilities, which has impacts on maintaining and continuing existing livestock operations.

MDS setbacks allow new land uses to be sited in the rural area at a distance that reduces land use conflict due to odour complaints. These separation distances also allow livestock facilities room to expand in the future by keeping areas around barns free from non-compatible developments.

MDS is a calculated separation distance that is based on five factors. The calculated setback distances will vary according to these five factors and will result in unique distances for different types of operations in different circumstances and location. The five factors are:

- the type of livestock housed (chickens, beef cattle, sheep, etc.);
- the potential number of livestock housed (based on barn capacity or lot size);
- the percentage increase in the size of the operation;
- the type of manure system and storage (open air, covered, liquid or solid, etc.); and

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- the type of encroaching land use (whether it is a Type A or Type B land use).

When considering land uses in the rural areas, it is important to understand whether a proposed use is a Type A land use or a Type B land use as it will change the calculated separation distance. MDS defines each as:

- Guideline 33 – For the purposes of MDS I, proposed Type A land uses are characterized by a lower degree of human occupancy, habitation, or activity including but not limited to industrial uses outside a settlement area, open space uses, Building Permits for dwellings, and the creation of lots for agricultural uses.
- Guideline 34 – For the purposes of MDS I, proposed Type B land uses are characterized by a higher degree of human occupancy, habitation, or activity, including but not limited to an Official Plan amendment and/or zoning by-law amendment to permit development, excluding industrial uses, on land outside a settlement area.

Due to the increased intensity of land uses, Type B land uses will generate a setback that is twice the distance as the MDS I setback for a Type A land use.

Through technical review of the application, the applicants have updated their approach to MDS as per the submitted Addendum to the Planning Rationale. The application now classifies proposed land uses as either Type A land uses or as Type B land uses. The categorized uses have been arranged on site in order to meet the MDS setbacks generated from 896 Unity Road. The application proposes a 20 metre reduction to the MDS setback for Type B land uses in order to locate the event centre near the James Hickey House where an existing barn currently stands. This reduction is being considered in order to construct a new building in place of the current barn that will maintain and reinforce the heritage character of the James Hickey House and the layout of the original homestead. Additionally, locating the event centre nearest the James Hickey House pulls the event centre away from the adjacent residential dwellings.

Planning Staff conducted a review of adjacent and nearby barns through aerial mapping and site visits to each of the properties and found that there are 14 barns within the 1,500 metre review area. Calculations were undertaken to determine how far back the new uses had to be from the existing barns. The table below summarizes the information.

Table 1 – MDS Calculations Summary Chart

Barn	Municipal Address	Livestock	Calculated MDS Setback. Type A, and Type B setback	Actual Distance	MDS Setback Affect Subject Application?
1	2076/2078 Battersea Rd.	Beef cattle	288 metres 576 metres	914 metres	No
2	2132 Battersea Rd.	Beef cattle	259 metres	634 metres	No

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			517 metres		
3	2147 Battersea Rd.	Horses	122 metres 244 metres	644 metres	No
4	2590 Battersea Rd.	Horses	122 metres 244 metres	1073 metres	No
5	2593 Battersea Rd.	Vacant – Beef Cattle	118 metres 235 metres	1023 metres	No
6	2720 Patterson Rd.	Beef cattle	249 metres 498 metres	1483 metres	No
7	2750 Patterson Rd.	Dairy cattle	355 metres 710 metres	1510 metres	No
8	896 Unity Rd.	Horses	120 metres 240 metres	82 metres	Yes
9	962 Unity Rd.	Horses	94 metres 187 metres	414 metres	No
10	971 Unity Rd.	Horses	121 metres 241 metres	522 metres	No
11	1088 Unity Rd.	Beef cattle	182 metres 363 metres	1057 metres	No
12	1126 Unity Rd.	Vacant – Beef cattle	288 metres 576 metres	1280 metres	No
13	1166 Unity Rd.	Horses	108 metres 216 metres	1442 metres	No
14	1175 Unity Rd.	Horses	100 metres 201 metres	1500 metres	No

The detailed review of the livestock facilities within 1,500 metres of the subject lands has shown that only one barn requires consideration for this application. The barn at 896 Unity Road has a calculated MDS I Type A land use setback of 120 metres, and a Type B land use setback of 240 metres (Exhibit I – MDS I Setback for 896 Unity Road). The livestock facility is located 82 metres from the property boundary shared with 2285 Battersea Road. The MDS setbacks project 159 metres into 2285 Battersea Road (Exhibit D - Concept Plan).

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The farm uses, winery/nano-brewery/cidery and associated tasting room and tide house, farm produce retail outlet and café, a restaurant with a gross floor area maximum, and 7 hotel rooms are being classified as Type A land uses. The farm uses have a low degree of human occupancy as the lands are tended to by low numbers of people. The farm produce retail outlet allows for the sale of goods grown or processed on site and in the area and will have a maximum gross floor area specified in the zoning by-law, limiting the number of people that can occupy the space. The farm produce retail outlet is directly related to agriculture, and benefits from being near the agricultural area. The winery/nano-brewery/cidery are each agriculture related uses that benefit by being near the agricultural uses on site. The tasting room and tied house are accessory uses to the processing of wine/beer/cider. This space and the proposed on-site restaurant have a gross floor area maximum to limit the number of people that can occupy each use. Of the 67 hotel rooms on site, 7 are being classified as a Type A land use to allow them to be developed within the James Hickey House, placing most of the accommodation units outside of the setbacks. The combined limitations on uses, setting maximum gross floor areas, and restricting the number of hotel units lowers the degree of human occupancy, habitation, or activity, of the area subject to the MDS setback. This approach to limit the number of occupants in the zone satisfy the criteria to be considered a Type A land use.

The spa, 60 hotel rooms (including the cabins), restaurant associated with the hotel and spa building, and the event centre are being classified as Type B land uses. Each of these uses has a high degree of human occupancy, habitation, and activity. The spa and restaurant will serve a larger number of people and do not contain strict limits on the gross floor area of each use. Both may have an indoor and outdoor component. The hotel rooms can host many occupants that would reside on the site during the day and overnight. The event centre, while it will have a maximum gross floor area, is a large commercial use that can hold a higher number of people. These uses are to be located outside of the MDS Type B land use setback to lessen the potential for nuisance odour complaints.

The application proposes to reduce the MDS setback for the Type B land uses from 240 metres to 220 metres in order to locate the event centre adjacent to the James Hickey House where there is currently a large barn. MDS I setbacks should not be reduced except in limited site-specific circumstances that meet the intent of the MDS document (Guideline 43). Examples include circumstances that mitigate environmental or public health and safety impacts, or avoid natural or human made hazards.

The barn and its relationship to the James Hickey House are part of a heritage easement agreement and is an important character defining element of the property. The primary objective of MDS is to reduce odour complaints and provide space for barns to expand in the future in order to maintain their agricultural viability. Given the size of this property, and the number of animals, the MDS setback as proposed pushes new uses far enough away that the neighbouring barn could double its current size (Guideline 28). A calculation was undertaken to understand how far back an expanded barn would need to be from existing Type A and Type B land uses. The setback for the barn that is double the size is 95 metres for Type A land uses and 190 metres for Type B land uses (Exhibit J – MDS II Setback for 896 Unity Road). Between

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the setback and the space needed for the barn, the 20-metre reduction to the setback does not eliminate the barn's ability to double in size in the future, holding twice as many animals as it does now.

The event centre is proposed to replace the existing barn with a new building. This new building will help to reinforce the layout and spatial relationship of the barn and the old farmhouse (James Hickey House). This spatial relationship is one of the defining heritage attributes of the Heritage Easement Agreement. This location distances the event centre from the nearby dwellings, creating a buffer between the new use and the existing residences. While not meeting the precise MDS I Type B land use setback, the proposed reduction meets the intent of the MDS Document to separate new land uses from existing livestock facilities, while creating space for existing barns to expand their capacity. The proposed minor reduction to the MDS I Type B land use setback does not reduce the barn's ability to double its current livestock capacity, and allows a new building to be constructed in place of an old barn to maintain an important defining heritage attribute.

In accordance with Guideline 40 of the MDS Document, the separation distances apply between the livestock facility and the area to be designated or zoned for development. The property is proposed to be re-designated Rural Commercial and rezoned a site-specific C3-20 Zone. The zoning is proposed to clearly implement MDS setbacks for the proposed development. The C3-20 Zone will contain three Holding zones. Each of these zones specifies how to treat them from an MDS perspective; whether they are treated as a Type A or B land use for the purpose of calculating MDS I or MDS II setbacks, and when Type A and B land uses are permitted in each of the Holding zones.

The proposed approach to MDS meets the intent of the MDS Guidelines. New land uses have been arranged to be outside of the setbacks for both Type A and Type B land uses. While it does not meet the precise calculated setback distance, the small reduction in the MDS Setback for Type B land uses meets the intent of the guidelines by allowing the barn the room to double its capacity in the future. MDS setbacks are proposed to be measured to the zone boundaries of each Holding zone. The proposed approach satisfies the MDS formulae, and implements it in a clear and concise manner.

Upon review of the planning rationale provided by the applicants and the rearrangement of land uses on-site, supporting studies, and detailed policy review of the applicable policies is attached in Exhibit K – Applicable PPS Policies, the application is consistent with the Provincial Policy Statement. The tourist commercial use is an appropriate land use in the rural area that is supported by rural service levels. The development would diversify the economic base of the rural area, creating a year-round tourism destination and the potential for new full-time jobs. Re-development of the property would allow for the adaptive re-use and expansion of a built cultural heritage resource that would reinforce the rural character of the Battersea Road/Unity Road intersection. The development is compatible with the rural landscape and these characteristics will be reflected in the site-specific zoning by-law amendment. The development does not negatively impact the natural heritage features on site, with the recommendations being implemented through the appropriate planning mechanism.

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Official Plan Considerations

The subject property is designated 'Rural Lands' in the City of Kingston Official Plan (Exhibit L – 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 (small scale commercial and industrial uses) provided it does not limit or interfere with agricultural-related uses or broader rural uses that meet the environmental objectives of the Plan.

The Rural Lands designation does not contemplate a commercial use of the scale proposed by this application, and so an Official Plan amendment is required to re-designate the subject property to a Rural Commercial designation. The application proposes a re-designation of the lands to recognize the scale of the proposal in the appropriate land use designation through a process that is outlined in the Official Plan. Rural commercial uses and tourist commercial uses are directed by the PPS and this Official Plan to rural lands where they can be supported by rural service levels, be compatible with existing development, and not hinder agricultural operations.

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 the urban area of the City, there are no pre-designated commercial areas within the rural area. Any new proposal for a new or expanded Rural Commercial designation will be assessed subject to the criteria as outlined in Rural Commercial designation (3.14.8) and all other applicable policies of the Official Plan. This ensures a high level of study and assessment when a rural commercial proposal comes forward.

The application is located on Rural Lands, which are lower quality soil areas unlike those designated Prime Agricultural Area. The subject land and lands immediately north, east, south, and west are not designated Prime Agricultural Area. The density of residential land uses bordering the site diminishes its potential for livestock purposes as the adjacent uses would restrict where on the site a barn could be located. The treed area at the north end of the site has not recently been used for agricultural purposes and will host most of the new land uses on-site. A walkthrough of the site demonstrated shallow soil depths outside of the areas already cleared for agriculture. The re-designation and re-zoning will not negatively impact existing agricultural

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operations as the new site arrangement and approach satisfies the minimum distance separation formulae.

The area is already significantly developed with a mix of land uses that include clustered residential dwellings, a school, a church, and agricultural uses. Four homes border the north end of the site on the west side of Battersea Road, with three additional homes on the east side of Battersea Road. Three new lots were also created across the street from the James Hickey House in 2019. There are rows of homes located on the southeast side of the intersection of Unity Road and Battersea Road south of the school, and on the south side of Unity Road, west of the church.

The buildings proposed on-site, maintain the low scale and open space, rural character of the area. Height maximums are established in the proposed implementing zoning by-law. The scale of the development does not present any shadowing concerns or increased wind speeds. The larger setbacks in the proposed site-specific zone create space between the new uses and existing development, while a proposed landscape buffer will add additional screening. The spacing and buffering will allow adjacent properties to continue to enjoy their own properties. Most new buildings will be in the treed area at the rear of the property, maintaining the visual aesthetic of the intersection. The maximum lot coverage is restricted to 10% which is well below what is permitted by the A2 Zone (35%) and the C3 Zone for tourist commercial uses (40%).

The low scale uses proposed for the site are compatible with the existing single-detached dwellings, farms, church, and school. The site does not produce negative off-site impacts such as pollution, traffic, or noise.

The site locates a tourism commercial development within close proximity to Kingston and Highway 401. The commercial tourist development would bring additional economic opportunity to the rural area and expand the commercial amenity for residents in an area already developed with a mix of land uses. The proposed multi-use tourist commercial development is a first of its kind for Kingston and it leverages the site's location and natural heritage and cultural heritage assets to provide a complementary and compatible development that is supported by rural service levels.

The permitted uses include a winery, nano-brewery, cidery, and farm produce retail outlet. These uses can process and sell locally grown goods within the area, providing value for both the farmers and patrons to the site and maintaining an important defining feature of the site.

The development meets the intent of the MDS formulae, setting new land uses back from the barn at 896 Unity Road in accordance with the corresponding Type A and Type B MDS setbacks. The more sensitive uses are located furthest from the barn, reducing the potential for nuisance related complaints, while allowing the barn to be able to double the number of animals in the future through an expansion of the existing barn. These setbacks are measured from the barn to the zone boundary, and two Holding Zones established through the draft zoning by-law amendment. The lands are subject to a heritage easement agreement and are cleared of archaeological potential. The development has satisfied the natural heritage criteria of the Official Plan for woodlands, species at risk, water features, and significant groundwater

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recharge area and highly vulnerable aquifer areas. The hydrogeological report has been peer reviewed and the private wastewater system will be reviewed and permitted by the Ministry of the Environment Conservation and Parks.

In accordance with the policies to consider when reviewing an Official Plan amendment (Section 9.3.2), the proposal does not represent an undesirable precedence as the applicants have demonstrated through the technical studies that the use can be supported by rural service levels, that it is compatible with existing development, that the approval meets the provincial direction for separating new land uses from existing livestock operations, and have met the tests for good land use planning. Proposals of this kind require detailed study and are evaluated independently based on the merits of each application, and subject to separate approvals.

In review of the applicable policies is attached in Exhibit M – Applicable Official Plan Policies as well as all the technical studies submitted with the application confirm that the development as proposed conforms to the policies of the Official Plan. The application has satisfied the compatibility criteria of the Official Plan, including the considerations for re-designating lands from Rural Lands to Rural Commercial. Technical studies show the development can be supported by the existing transportation network, private services, and maintain the natural heritage features and functions of the site. The development supports the adaptive re-use of a cultural heritage resource in a complementary manner that allows the site to evolve while maintaining the site's mature trees and agricultural operations.

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 N – Zoning By-Law Number 76-26, Map 1).

The application proposes a site-specific Highway Commercial (C3-20) Zone to facilitate the development of the 67 hotel rooms/suites; a spa; two restaurants; an event venue; farm uses including but not limited to vineyards, gardens, and farm produce retail outlet and café; and a winery/nano-brewery/cidery and associated retail and tasting room/tied house. Of the 67 hotel rooms/suites, a maximum of 40 can be provided in the form of rental cabins.

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.

The application is proposed in a single phase with one special Highway Commercial zone for the entire property. The zone will be subject to three different Holding symbols for two reasons. The first is to restrict certain uses from occurring on the property due to the MDS setback from 896 Unity Road. Secondly, the zones lay out specific requirements to remove the Holding symbol such as confirmation of the private water and wastewater servicing proposed through this application depending on the number of uses proposed if the site is built in stages, the completion of a Site Plan Control agreement, and satisfying the minimum distance separation formulae. The three Holding symbols are illustrated on the Schedule A to the proposed zoning by-law amendment.

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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 proposal's site-specific considerations:

Table 1 – Zoning Compliance

Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required to C3 Zone?
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; • 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. 	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 shop; • a motel or hotel; • a boat sales establishment; • a vehicle sales or rental establishment; 	Non-Residential Uses: <ul style="list-style-type: none"> • a farm; • a public use in accordance with the provisions of Section 5(18) hereof; • a conservation use; • a hotel; • a spa; • an assembly hall; • rental cabins; • a restaurant; • a café; • a winery; • a nanobrewery; • a cidery; • a farm produce retail outlet; • a nursery/garden centre/greenhouse; and • accessory buildings 	Yes

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Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required to C3 Zone?
		<ul style="list-style-type: none"> • 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. 		
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 7.6 metres and increased setbacks for specific uses as per the site-specific zone.
Exterior Yard Depth (minimum)	7.6 metres	3 metres	7.6 metres	Yes to 7.6 metres

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Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required to C3 Zone?
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. Increased setbacks for specific uses as per the site-specific zone.
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%	30%	Yes. Set at 30%
Lot Coverage (maximum)	Other uses = 35%	Tourist Establishment = 40% Other uses = 20%	4.7% (6,386 metres/137,214 metres)	Yes. Maximum lot coverage being set at 10%
Height (maximum)	10.67 metres	10.67 metres	13.7 metres 7.6 metres	Yes. Height maximums being set for the site and for specific uses.
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	None proposed.	No

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Provision	Requirement (A2 Zone)	Requirement (C3 Zone)	Proposed (Development)	Amendment Required to C3 Zone?
		shall be permitted in all yards provided that no such use is located closer 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 boundary for any new development.	Yes

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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 • 24384 + square metres = 2 + 1 space per each additional 30,480 square metres 	1	No
Parking Requirements	Tourist Establishment (includes Hotel and Rental Cabins): <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) Restaurant <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) 	161 parking spaces provided 1 bus parking space	No

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	Retail/Personal Service Shop: <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) 		
	Total parking requirement: <ul style="list-style-type: none"> • Parking spaces: $67 + 25 + 10 + 19 + 8 + 15 + 12 + 5 = 161$ • Bus parking: 1 space 		
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 Parking	4% of all required parking spaces	7	No
	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 6.0 metres Type B: 2.7 metres x 6.0 metres 1.5 metres x 6.0 metres	No
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 setback of 220 metres is proposed between the existing horse barn located at 896 Unity Road and the event venue.	Yes (reduction of 20 metres)

The site-specific zone contains new definitions for uses and regulations that are not regulated by Zoning By-Law Number 76-26. The new defined uses include Assembly Hall, Café, Rental Cabin, Spa, Tied House, and Winery/Nano-brewery/Cidery. The draft zoning by-law amendment also contains regulations for each of the uses. Definitions have been added for each of these uses because they are not defined by the current by-law. Creating definitions for these uses provides clarity on what is intended for each use for the property owner, neighbours, and the City, and adequate control when implementing the uses.

The site-specific zone contains a general provisions section. This section applies to all permitted uses unless there are other regulations in the by-law specific to that use.

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The zoning compliance table submitted with the application noted the anticipated lot coverage around 5%. The regulated lot coverage in the C3 Zone is 40% for tourist establishments. The lot coverage for the site is being set at 10%. This reduced lot coverage is a key tool in the implementation of a low scale development that devotes the majority of the site to open space use, agricultural use, and natural areas. It is well below what is typically permitted in a C3 Zone and will ensure that the site is not overdeveloped and is in keeping with the character of the area.

A landscaped buffer is required where the site abuts a rural residential lot. This landscaped buffer is required to be 3 metres wide and 1.8 metres tall and can be a combination of fencing and unbroken landscaping. The intent of this provision is to buffer and screen the new development from the existing land uses and to ensure privacy for the occupants of the site and the adjacent residential uses. The landscape buffer will be reviewed and implemented through a future site plan control agreement that will be registered on the title of the lands.

The maximum number of hotel rooms proposed on site is 67. The proposed zoning is worded to allow the site to develop either with all the rooms in a hotel style-built form, or as a combination of hotel style rooms and rental cabins. Of the 67 hotel suites, a maximum of 40 are permitted to be rental cabins, which are limited in size to 47 square metres each as regulated by the proposed zoning by-law.

The parking stall sizes for typical parking spaces are being reduced from 2.7 metres wide by 6 metres long to 2.6 metres wide and 5.2 metres long to reduce the amount of hard surfacing required for the parking lot area. The accessible parking space dimensions are not being reduced as there is enough space on site to accommodate their regulated size.

The proposed zoning contains a provision which specifies the site is to be serviced by way of a private water and wastewater system that is reviewed, approved, and regulated by the appropriate approval authority. The municipality will not be responsible for providing municipal water and wastewater services to service the development.

The City of Kingston does not have zone provisions specific to wineries, nano-breweries, and cideries in the rural areas. The special C3 Zone regulates a minimum number of hectares that are required to be planted in order to have these uses. This maintains the visual aesthetic and agricultural intent of the property that has been justified through the Planning Rationale. The nano-brewery contains a maximum production cap of 1,200 hectolitres (120,000 litres) that is reflective of what was justified in the hydrogeological study. The winery/nano-brewery/cidery production is proposed to use 1250 litres per day. Producing 120,000 litres of beer a year is an average of 329 litres of beer each day. As per the hydrogeology report, it takes 3.5 litres of water to make 1 litre of beer. Using these numbers, the daily consumption of water for this use is 1,151.5 litres, which is in line with the studied daily water takings. This can be expanded up to 3,000 hectolitres if outside water is brought in. The design of the system will be accounted for in the wastewater system permitted by MECP and the volume of beer produced will be recorded in the Canada Revenue Agency (CRA) Excise Tax numbers. The retail space, tasting room, and tied house is proposed as one consolidated space no larger than 200 square metres, exclusive of outdoor sitting space. This keeps the building area and indoor capacity limited. The

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production and tasting room are proposed to be in the James Hickey House. These uses are treated as a Type A land use for the purposes of calculating MDS.

The James Hickey House is subject to a heritage easement agreement and has had an addition approved by Council based on a recommendation from Heritage Kingston. The James Hickey House is proposed to house the wine, beer, and cider production facility, and the retail space, tasting room, and tide house with a limited floor area; a restaurant with a limited floor area, the farm produce retail outlet and café with a limited floor area, and 7 hotel rooms. The building also has increased front yard, side yard, and exterior side yard setbacks to maintain greater separation from existing uses and maintain the visual of open fields and space around the building. The maximum floor areas for the uses and maximum number of hotel rooms permitted are intended to control number of occupants in the building and scale the uses to be in line with a Type A land use as per the minimum distance separation formulae.

The assembly hall use contains regulations for maximum height, maximum building footprint, maximum gross floor area for the event space, and a minimum setback from a neighbouring dwelling. The maximum height and footprint are set to control the massing and character of the building, to keep it similar in scale to the existing barn adjacent to the James Hickey House. The maximum gross floor area for the event space caps the capacity for the building. The maximum gross floor area for the event space does not include ancillary rooms like coat check, washrooms, storage, and kitchens, and is meant to govern the functional event space only. The minimum setback from a neighbouring dwelling, coupled with site design and the other elements of the zone, increase compatibility of the proposed use with adjacent dwellings. This space, plus buffering and any recommendations from the detailed noise study at the time of Site Plan Control will mitigate noise and traffic from the use. The assembly hall is also considered a Type B land use for MDS and will be set back accordingly. The space can be used for a wide variety of events including weddings, family reunions, and corporate events. A noise study will be required at the time of Site Plan Control. Recommendations from that study will be implemented in the building design and conditions in the Site Plan Control agreement. The site is within the Residential area of the City's Noise By-Law, and residential noise requirements will apply. The rental cabins will be limited to a height of 7.5 metres and a building footprint of 47 square metres to control the massing of the structures. This will keep the profile of the buildings low, so they do not protrude above the tree canopy. Of the total 67 rooms for the site, only 40 can be cabins. These cabins are also subject to the general setback and buffering provisions. The cabins are considered a Type B land use and will be set back accordingly.

The hotel and spa is proposed to be located at the northwest corner of the site. This building is mostly subject to the general provisions of the zone, with a special eastern side yard setback of 30 metres established to create space between this building and the existing residential uses along Battersea Road. The setback is appropriate to allow flexibility in the development of the hotel while buffering the adjacent residential uses from the new building. These uses are treated as a Type B land use for MDS and will be set back accordingly.

The zoning by-law amendment contains provisions directly related to the implementation of the minimum distance separation formulae. Each of the proposed uses is classified as a Type A or

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B land use. Each of the zones and holding zones outlines where these Type A and B land uses can go, and how they are treated should there be an expanding barn nearby.

The final section of the by-law outlines the specific requirements in order to release the Hold for each Holding Symbol. These requirements are more specific than the general provision contained in Zoning By-Law Number 76-26 and provide clarity for the property owner, adjacent neighbours, City staff, and Council for how and when a Hold can be released.

The proposed zoning by-law amendment has been designed to regulate the uses on the site to ensure compatibility with adjacent uses and the character of the area while allowing limited flexibility for detailed implementation (i.e. Site plan control approval and construction). The zone protects the adjacent agricultural operation in accordance with the minimum separation distance formulae while allowing the land use change on site. The amending by-law has been prepared and is attached as Exhibit B to this report. A Site Plan Control application has not been submitted to date.

Other Applications

D10-001-2019 – Consent (lot addition)

F32-001-2019 – Heritage Easement Agreement

Technical Analysis

These applications have been circulated to external agencies and internal departments for review and comment. All comments on the proposal have been addressed and no outstanding technical issues with these applications remain at this time.

Public Comments

The following is a summary of all the public input received to-date, including the public submissions received at the Public Meeting held on February 20, 2020 and the additional public comments. All original public comments are available in Exhibit O of this report. The correspondence received contained both supportive positions for the project, non-supportive positions for the project, and specific questions on details of the proposal and process. Only comments and questions that require addressing are included in the body of this report.

Traffic

- Comment: Will there be a need for a traffic light at the intersection of Battersea Road and Unity Road?
- Comment: Concern about speed on Unity Road and Battersea Road.
- Comment: Concerns about the proximity of this site to Glenburnie Public School and the increase in traffic in the area that would reduce the ability of residents to enjoy the area.
- Comment: Increased vehicular traffic is another legitimate concern.
- Comment: It seems excessive to allow three entrances from Battersea Rd given the profile grade, the proximity of the school (school busses turning). I would offer that one entrance from each side road is a more appropriate level of access given this development has room to have interior roads that can accommodate the interior

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movement they are looking for. The further away from the intersection of Unity, the safer the proposed Battersea entrance will operate.

- Comment: The total number of people using the site at any one time needs to be monitored—especially the Event Center to ensure they are within what was promised. No mention has been made of concerns about drunk drivers exiting the proposed site and endangering the nearby school or people walking/cycling on Unity and Battersea roads.

Response: The applicants have submitted a Traffic Impact Analysis and Addendum demonstrating that there is enough capacity in the transportation network to support the development. This review included looking at the number of entrances proposed and found that they were appropriate. Multiple entrance locations distribute traffic created by the development to lessen the point impact of any one entrance location. A traffic light at the intersection of Battersea Road and Unity Road was not deemed to be necessary.

Stormwater

- Comment: The stormwater report cannot be downloaded. I will assume that appropriate sized culverts will be placed at entrances and that water leaving the proposed development will be kept to pre-development quantity?

Response: The stormwater reporting is available for review on DASH. The report and addendum have been reviewed by the CRCA who do not have any concerns with the proposed stormwater management facilities. A detailed plan will be required at the time of Site Plan Control.

Water usage

- Comment: The proposal may threaten our water supply and we may have to install new deeper wells if the water usage from this property affects our current well.
- Comment: Current construction has damaged the existing agricultural property, including but not limited to drilling, blasting, rock crushing and tree removal. These actions have surely altered the movement of water in the aquafer for all other properties.
- Comment: concern that the water taking will affect both water quality and quantity in the area.
- Comment: Concerns about water quality since the new wells and pumping test have been completed. There has been a strange smell in the water. Drilling and blasting on site can have impacts on the water table.
- Comment: The water used by the spa and the up to 400 daily guests that they plan to have will be large and could, in the near future or in years to come, jeopardize the water supply of close-by neighbours as well as neighbours like ourselves who are a kilometre or more away.
- Comment: Part of the reason we purchased a home in this area 12 years ago was because there were no issues regarding well water supply. If there are well issues now or in years to come due to this commercial venture, the market value of our home will decrease, costing us thousands and threatening our financial security. Again, why no

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action on the city's part to ensure that the proper channels are being followed and the proper inspections happening?

- Comment: Notwithstanding the assurances from BPE, water continues to be a huge concern for all those in the local area.
- Comment: Local residents have a number of concerns with this proposed development, with water being the principal concern. We are all on wells and water in this area is a challenge. The City's Official plan identify this site as having moderate to high ground water sensitivity (Schedule 11A) and being highly vulnerable from a source water perspective (schedule 11B).
- Comment: Without good water, our real estate value will decline.
- Comment: The comment that his well is specially lined and deeper than adjacent wells doesn't change the fact that he will be drawing from the same aquifer as his neighbours - if there is a problem then he will just run out last. If the project is approved there needs to be ongoing professional monitoring of adjacent wells and there needs to be a consequence for the developer should they be adversely affected.
- Comment: Access to potable well water is top of mind for country dwellers so it is no wonder that Glenburnie residents are worried about the effect a project of this scale will have on the groundwater aquifers on which they rely. Aquifer depletion is a very real concern for those dependent on well water, despite references in the project overview to use of sustainable systems, water conservation and wastewater treatment.
- Comment: Will there be monitoring of groundwater level and quality once the development is in operation; what is the monitoring program and will it be made public?
- Comment: What I am unclear about and would like to have clarified is an appropriate calculation of what the water usage will be and how that will be sustained in way that is not detrimental to us as neighbours that rely on the same water supply. As we all rely on well water in our area we need to ensure that our supply is not affected or contaminated in any way that will affect the quality or amount of water that we have access to.
- Comment: It is critical that this monitoring be collected and analyzed by an independent authority to ensure that the data is accurate and that any deviations from "theoretical" are quickly evaluated and acted upon. This monitoring is supposed to occur for two years after the last phase of development is completed.
- Comment: Will the OW20 original well that is just 26 metres, will the spa be using that one or will the spa be using the water from wells 90 metres down?
- Comment: Will a new hydro G study be required when phase 3 needs to be approved?
- Comment: I know that the pools will be filled the first time with water that is trucked in. When the pools need to be topped up or when they need to be completely drained and refilled again, will that also be done with water that is trucked in?
- Comment: What agency will be responsible for reviewing the water monitoring data?
- Comment: The Peer Review of the Hydro-G Study states, "ASC note that the reverse osmosis treatment was proposed for aesthetic parameters. Concentrations of sodium and chloride were observed to decrease during the 48 hour pumping test, therefore ASC report that reverse osmosis water treatment may not be required. What means water

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treatment will be used? If reverse osmosis is required, this will require a three-fold increase in the volume of water required. Is this sustainable?

- Comment: The hydrological peer review states that it does not verify that the facts and or possible omissions in the original review. They only look for generally accepted practices!! How can this be acceptable to Planning?
- Comment: How can this development be supported when planned and presented water usage data appears to be under estimated?

Response: The Hydrogeological Study and Terrain Analysis Report, Addendums were reviewed by the City and the City's peer reviewer. A water balance table is included in the reporting outlining the anticipated daily draw for each of the proposed uses. Testing was completed on the wells for their capacity and potential inference on neighbouring wells. The report and peer review have concluded that there is sufficient groundwater to be able to service the development. The persons who completed the hydrogeological report and peer review are professionals in their field of practice and abide by their profession's standards.

A groundwater monitoring program is available in the addendum reports prepared by ASC Environmental that proposes to monitor water takings and inferences on neighbouring wells. This program will be secured through a Development Agreement registered on the title of the lands and is to commence while construction is occurring, and for a period of two years after the full buildout of the site. The data will be reviewed by MECP should there be concerns about well water quality, quantity, and well interference.

A hydrogeological report will be required in order to lift the Holding symbol. Should the development proceed only to partial build out, the updated hydrogeological report will need to reflect what is proposed in the site plan. An updated report demonstrating the demands from the new buildings and data on the actual water demands from the previous uses will be required for each subsequent amendment to the site plan demonstrating capacity, until full buildout is achieved.

The subject property is located within an area identified as a Highly Vulnerable Aquifer (HVA) and Significant Groundwater Recharge Area (SGRA) as shown on Schedule 11B of the Official Plan. The CRCA has reviewed proposal, EIS, and Stormwater Management Report and they have no objections at this time with the proposed zoning by-law amendment based on our consideration of natural hazards, natural heritage and water quality protection policies.

Ministry of the Environment, Conservation and Parks also regulates private drinking water systems through legislation such as the Ontario Water Resources Act and the Wells Regulation. The Ministry has advised City staff that if concerns arise with respect to a site's water taking, the Ministry has established practices to audit, evaluate, and determine source issues.

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Wastewater

- Comment: A concern was raised at the Planning Committee meeting about the treatment and removal of water from the hot tubs and spas. There is a public health requirement to remove and replace a percentage of the water from these facilities on a frequent basis.
- Comment: Sewage treatment facility – will there be a certificate of approval required from MOECP and will there be a third party operator in charge of this facility for maintenance, etc.?
- Comment: One output of this system is solid waste. Where will this solid waste be stored and how often will it be removed from the site?

Response: A Certificate of Approval is required from the Ministry of Environment Conservation and Parks for the proposed private wastewater system. The municipality does not regulate the waste water system. The details of the wastewater system will be reviewed through the permitting process to the Ministry. A permit from the wastewater system is required before the finalization of any site plan control agreement.

Heritage

- Comment: There is a heritage component. Has Heritage Kingston reviewed the project?

Response: Heritage staff have reviewed the Official Plan and zoning by-law amendment. There are no comments to add as part of these applications; further comments will be provided as part of the future site plan control application, including the request for a location for an interpretive installation. There is a heritage easement agreement registered on the lands that requires a permit application for alterations to the heritage attributes of the property (i.e. heritage dwelling and barn). This heritage easement agreement was reviewed and supported by Heritage Kingston for Council's approval which is now registered on the title of the lands.

Noise

- Comment: Other significant concerns are increased traffic, noise, and the fact that this development would fundamentally change the character of the local neighbourhood.
- Comment: Is there a plan to restrict hours of operation or some other way regarding the noise levels of the outdoor patio? The noise report suggests that even low noise will be heard by receptors in evening hours.
- Comment: How will noise be monitored and assessed against by-law 2004-52? It is hard to get police to come to Unity Road to address concerns about speeders, so will they come out here to assess noise issues?

Response: A Noise Study was submitted which reviewed the potential impact from stationery and transportation noise sources. Recommendations from this noise report and future detailed noise reporting at the time of Site Plan Control will be implemented and included in a site plan control agreement.

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The City's By-Law Enforcement Officers respond to noise complaints should they arise. The lands are located within a residential area as per the City of Kingston's Noise By-law 2004-52. Restrictions on amplified noise that apply to residential dwellings will apply to this property which is a 24-hour prohibition on amplified noise.

Compatibility

- Comment: we are concerned about the unknown future – water, noise, traffic, and the protection of agricultural land.
- Comment: the rezoning would radically alter the rural agricultural farming community and would not maintain the unique character of this area.
- Comment: the proposed development is not compatible with the surrounding rural landscape.
- Comment: new proposal will de-value our home.
- Comment: The proposed non-residential uses of the development is not consistent with the uses in Section 10 (Permitted uses of the A2 General Agricultural Zone).
- Comment: A property on Bur Brook Road tried to rezone, for a fencing company, and was refused. So there is a precedence for refusing rezoning requests. This is a rural community of county housing and working farms.
- Comment: Our neighbours are having some of their livelihood (boarding horses, children riding horses) threatened because of water issues, noise issues and the close proximity of this business project abutting onto agricultural land.
- Comment: This is agricultural land that, in my view, should be retained as agricultural land. Commercial development on this site would fundamentally change the character of the local environment. There would be reduced privacy for those landowners in the immediate area, increased traffic on both Battersea and Unity Roads affecting all residents, and increased noise levels.
- Comment: Rezoning would neither be beneficial nor complementary to the surrounding Glenburnie landowners.
- Comment: I would encourage that all proposed landscaping / signing have a set back from the municipal road right of way to maximize /maintain visibility as these shrubs/trees grow.

Response: The applications submitted include an Official Plan amendment and zoning by-law amendment. The purpose and effect of the applications is to re-designate the lands from Rural Lands to Rural Commercial, and rezone from the Agricultural A1 and A2 Zones to a special Highway Commercial C3-X Zone to facilitate the development of the tourism commercial use.

The subject lands are designated Rural Lands in the City's Official Plan, not Prime Agricultural Area. The Provincial Policy Statement directs tourism commercial land uses to this classification of lands and allows for such land use changes to occur. The proposed development has been reviewed for its compatibility with the existing clustered residential development, agricultural uses, and institutional uses. The tourism commercial use is compatible with the rural area, developing the site with low scale uses that are set

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into and compliments the layout of the site. The proposed uses are in keeping with the character of the area and have been appropriately set back, buffered, and zoned to maintain the intended low-scale nature. The land uses have been arranged on site to meet the intent of the Minimum Distance Separation setbacks of the livestock facility at 896 Unity Road.

The application has satisfied the compatibility tests of the Official Plan for new developments, and the considerations for re-designating lands from Rural Lands to Rural Commercial. The use is located on the least productive agricultural lands and is set back in accordance with the minimum distance separation formulae from the existing livestock barn located at 896 Unity Road. The site can be supported by private services as demonstrated through the hydrogeological study and addendum. The EIS has demonstrated that the site will not have an impact on the natural heritage features of the site and will be further implemented through the site plan control process. The uses will provide a diversification of economic opportunities in the rural area by developing a year-round tourism operation. The application has come forward with a positive recommendation because it satisfies both provincial and municipal policies, is appropriately scaled for the area, and is supported by the technical studies.

Zoning and uses

- Comment: If the spa venture does not work out or if the developers simply decide to get out of the business, this property could eventually be sold to another corporation that is even more invasive and inappropriate to our rural setting.
- Is there a maximum cap on the number of people in the restaurant?
- This development is large and creates abrupt change and impact of land and water as well as culture and environment so it feels invasive. It is my recommendation to implement a phased approach so that the impacts can be addressed along the way.
- Comment: Use concerns:
- Restaurant. The rooftop patio, even on a two-story building, will provide an unwarranted overlook of neighbouring properties.
- Event Venue. Although labelled a “corporate” event venue and assurances from BPE that a “wedding” venue has been eliminated from its proposal, this is clearly its intended purpose. The link between this proposed development and the BPE owned Lovebirds Bridal shop is another clear indicator of the overall purpose of the entire proposal.
- Cabins. The cabins represent a clear risk to adjacent properties of human generated noise, fire, trespass, theft and vandalism.
- Gardens etc. The agricultural aspects of this proposed development might better be described as landscaping for the Inn and Spa with the associated craft brewery/winery and maple syrup production being on-site attractions for guests and the visiting public. It is unlikely that what is being proposed will be capable of producing commercial

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quantities; hence, it is better that this “agricultural” activity be described as an accessory aspect of the Inn and Spa.

- Comment: Are there other comparable developments in Ontario?
- Comment: Is the brewery part of phase 4?
- Comment: Can Phase 3 have the holding provision put on it before the 25 extra cottages are built?
- Comment: Will the operator of the B&B have a residence as part of the structure, or is the B&B, not a B&B, but an annex to the inn? Please confirm the Seating Capacity of the “Tied” House?
- Comment: Please confirm the seating capacity of the restaurant?
- Comment: Please confirm which parts of the proposal are on-farm diversified uses and which are agricultural related uses?
- Comment: Is the City planning to recommend the reduction of the MDS to accommodate the event building?
- Comment: What is the capacity of the event venue?
- Comment: What measures will be put in place to buffer the development from immediately adjacent properties to protect their privacy?
- Comment: What is the anticipated max occupancy of this entire project?
- Comment: What will the Bylaw have built into it to protect the rural community and their peace and quiet?
- Comment: Will this project be phased in (if approved) and will it have a Hold on it? If not why not?
- Comment: Are wedding venues included as an acceptable event at this location? Will an additional permit be required?

Response: The site-specific zone includes only the uses proposed as part of this application and regulates their location and size in detail. The zoning by-law amendment includes regulations that place maximum caps on the intensity and scale of uses. If changes are proposed to the uses permitted on site, a zoning by-law amendment would be required. It is anticipated the maximum number of people that could be on site is 280 people.

The site-specific zone contains a maximum floor area for the restaurant in the James Hickey House. This maximum gross floor area will restrict the occupancy of the restaurant. The outdoor rooftop patio is approximately 146 metres (479 feet) from the dwelling at 874 Unity Road, 230 metres (754 feet) from the dwelling at 896 Unity Road, and 210 metres (689 feet) from 2329 Unity Road. The large distances mitigate the potential impacts of intrusive overlook.

The assembly hall is an event venue that can include a broad range of events including weddings. The building is required to be a minimum of 80 metres from an adjacent dwelling, buffering the new use from existing dwellings. The floor area and height of the building have been limited to keep it in character with the low scale nature of the area.

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The cabins have a maximum floor area and height provision to limit their scale and keep their intended use in line with a hotel room. These uses will also be buffered and screened from adjacent dwellings by way of fencing or uninterrupted landscape strip. The cabins are in the treed area, which is separated from the residential cluster along Battersea Road by a 30 metre (98 feet) wide hydro corridor.

The use of the hotel, spa, or event centre is not proposed as accessory uses to the agricultural operation. These uses can occur on site without the farm uses. Two hectares of lands are required to be planted with agriculture used in the production of wine, beery, and cider, in order to have the winery, nano-brewery, and cidery.

The development is now proposed as a single phase rather than in three phases. However, the developer may choose not to build out the entire property at once and may incrementally build out the site over several years. The incremental buildout will be reviewed through the site plan control process and subsequent amendments to the site plan.

As part of the technical review process, rural commercial developments in Prince Edward County, Alnwick-Haldimand County, Niagara on the Lake, and the Town of Lincoln were reviewed and discussions were had with the local planning departments. This application is not the first of its kind in Ontario as large rural developments of private services exist in municipalities across Ontario. These include cottage developments, spas and hotels, wineries, event centres, and recreational vehicle parks.

The application requires buffering of a fence or 3 metre wide unbroken landscape buffer where the site borders a residential property. This buffer will be implemented through the future site plan control application.

Work on site before approvals

- Comment: How can the level of work happen on site before approvals?
- Comment: Will BPE have to restore the site if the zoning is not approved?
- Comment: There is a feeling that the City's planning process is being circumvented with the site preparation that is going on. How is this work going on in advance of the approvals?
- Comment: Our rural setting and privacy have been dramatically impacted without the proper consult and due process.
- Comment: I certainly hope that the very fact that he has started excavating and blasting out driveways will not be used as justification to support his future zoning change/building permit request - along the lines of "I've already invested so much..."
- "Prepping the site" by putting in a service road, drilling wells and digging a large pond at the corner of Unity and Battersea Roads has irreversibly altered the landscape, disrupted

July 16, 2020

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daily lives and left an unsightly mess. How could such major steps be taken before approval to rezone from agricultural to commercial use has been granted?

- Comment: Is the blasting (breaking rock) done now or will there be more? When? Is blasting needed for each cabin? What has been blasted out so far? (concern for the horse farm next door).

Response: Works on site have been reviewed against the Site Alteration By-Law (Number 2008-128) and the site's existing zoning and are in keeping with the site's existing zoning. The works onsite are to support the new entrance and site works for the planting of agricultural works including irrigation and planting. A Building Permit has been issued for a residential expansion to the existing dwelling. Blasting and drilling may be required after approval depending on the depth of the bedrock to install site services and new buildings such as the hotel, spa, and cabins.

Environment

- Comment: It is hard to believe they will not be a strain on the local ecosystem no matter how poshly green they intend to be. Just two summers ago we had a major drought in our area. Westbrook Golf Course uses well water and ponds and just shrivelled right up. This is sure to happen again and again with Climate Change. A better location for this would be within access of city water.
- Comment: An environmental impact assessment should be done and every effort should be made to listen to the neighbours and community surrounding this.
- Comment: This land was formally agricultural in nature, it would appear that the habitat exists for Barn Swallows as well as Eastern Meadowlark/Bobolink, which I believe are both species at risk. Has this been confirmed with MNRF and is there mitigation proposed?
- Comment: Works on site will result in the damage and removal of many trees. It would appear that the recommendations of the tree study have not been followed and we recommend denial of the application.

Response: An Environmental Impact Study (EIS) was completed and reviewed as part of the technical review process. The site does not contain habitat for species at risk. The report was reviewed by the CRCA who noted they did not have any objections to the findings of the EIS.

The City's Forestry Division has reviewed the application and visited the site. If the applicant wishes to continue to perform site works that may impact existing tree cover then a Tree Permit will be required in advance of SPC approvals. This will allow for the establishment of Tree Preservation areas/zones around existing tree cover and minimize compaction impacts to them. The recommendations within the submitted arborist report can be addressed as part of the permit conditions.

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Entrances and the right-of-way over 2359 Battersea Road

- Comment: It would be our preference that no entrance be approved here before the site plan for Unity Inn and Spa is approved. Sadly, past experience tells us that this may not be the case. If an entrance is approved prior to site plan approval, then we ask that approval be based on the limited use required to service a minor woodlot and that its dimensions take into consideration that the road leading from that entrance will be crossing private land.
- Comment: I understand that there is also an intent or desire to add an additional entrance there, off Battersea Rd, across from our home. I fear that by "working the system", bit by bit with separate applications, we will end up with 4 entrances off Battersea Rd to serve BPE's Unity inn and Spa development. I would just ask that this be a transparent process between BPE and the City.
- Comment: Waste Management and Disposal. One of the issues that, to the best of my knowledge, has not been raised to date is the issue of waste removal from this proposed development site. Clearly there will be significant waste of all types that will need to be removed from the site. I assume that a contract will be put in place for this and that the waste will be removed by truck. This causes a couple of concerns: noise and traffic. The proposed service area is less than 80 metres from our home. The noise from the back up warning signals of waste removal vehicles, likely on a daily basis, will have a significant impact on our ability to enjoy our property. Notwithstanding the assurances from BPE that the "driveway" (Entrance Permit 2018-001) will only be used for "one or two deliveries a day", it is clear from the site plan that the intent is to use this as a service entrance and for access to staff parking. The traffic on this service road (less than 20 meters from my dining room window), if approved, will be significant and would also significantly reduce our ability to enjoy our property. Please consider these impacts on our ability to enjoy our property in your technical review.
- Comment: Please advise which entrances will be used and for what purpose?

Response: The proposed entrance arrangement on Battersea Road was reviewed as part of the Traffic Impact Study and Addendum. The report concluded that there are no concerns with the number of entrances on Battersea Road and that they work to disperse traffic rather than concentrate it at one specific access point. Transportation Services reviewed the report and had no concerns with its findings.

The entrance over 2359 Battersea Road remains a dispute between property owners. Allowing 5 entrances in the site-specific zone does not expressly permit the entrance over 2359 Battersea Road. The City will not issue an entrance permit for this entrance until the matter is resolved by the landowners. Further entrance considerations will be reviewed at the time of Site Plan Control.

Waste management details on the storage and collection of site waste will be reviewed as part of a future site plan control application.

July 16, 2020

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Effect of Public Input on Draft By-Law

Through the technical review process and two Public Meetings, the application has evolved significantly since it was originally submitted. The concerns raised from the public about the compatibility of the development and how it was going to be supported have been considered through and reflected in the technical review comments. These comments have been addressed through the supplementary planning justifications and technical studies, and resulted in additional information being brought forward, amendments to the configuration of uses on site, and a by-law that appropriately regulates the development and ensures compatibility in the built form. The public input on the application and the concerns around compatibility of the development have led to a by-law that includes regulations for the uses. These regulations include definitions for the uses, maximum heights, maximum floor areas, a reduced lot coverage maximum, increased separation distances, and a requirement for fencing and uninterrupted landscape buffering. These regulations in the by-law implement the intended scale for the property and increase compatibility with the adjacent land uses.

Conformity of Existing Zoning with Official Plan

The Official Plan is the document in which the City of Kingston sets out its land use planning goals and policies that guide physical development, the protection of natural and cultural heritage, resource management and necessary supporting infrastructure. The Official Plan manages and directs change with high level policies that are meant to be implemented through other, more detailed, and specific municipal by-laws, such as a zoning by-law. The zoning by-law is a separate document that is an implementation tool to put the Official Plan's general policies into specific requirements that can be measured and applied to individual properties across the City. Zoning by-laws must conform with the policies of the Official Plan, however, due to the nature of the Official Plan policies, it is important to note that there is more than one way for a zoning by-law to conform with the policies. The existing zoning by-law on the subject property conforms with the policies of the Official Plan because it implements farming and rural uses in accordance with the Rural Lands designation.

Conclusion

The proposed development is compatible and consistent with the rural character of this area. The tourism commercial use maintains large open spaces and sets back new buildings and uses from existing development and agricultural operations. The layout of the uses on site satisfy the minimum distance separation formulae. Most of the new buildings on site will be in the treed area, buffered and screened from view when viewed from Unity Road and Battersea Road.

The application is supported by technical studies with the recommendations of the reports being included in the planning approvals. The development can be supported by private water services as demonstrated through the hydrogeological report and peer reviews, with MECP reviewing and permitting the private water system. The uses as proposed will diversify the economy of the rural area and bring new year-round tourism opportunities to Kingston. The development is consistent with the Provincial Policy Statement, conforms to the Official Plan, is regulated through a site specific zone, and represents good land use planning.

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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 76-26

Notice Provisions:

A Public Meeting was held respecting these applications on June 6, 2019, and a second Public Meeting was held on February 20, 2020 following changes to the original proposal. Pursuant to the requirements of the *Planning Act*, a notice of the Statutory Public Meeting was provided by mailout to neighbours within 120 metres of the subject property, signage, and advertisement in The Kingston Whig-Standard 20 days in advance of the Public Meeting.

If the applications are approved, a Notice of Adoption and a Notice of Passing will be issued in accordance with the provisions of the *Planning Act*.

At the time of the writing of this report, numerous pieces of correspondence have been received and all planning related matters have been addressed within the body of this report. Any correspondence received after the publishing of this report will be included as an addendum to the Planning Committee agenda.

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

July 16, 2020

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Exhibits Attached:

Exhibit A	Proposed Draft Official Plan Amendment & Schedule A
Exhibit B	Proposed Draft Zoning By-Law & Schedule A
Exhibit C	Key Map
Exhibit D	Concept Plan with MDS Arch's
Exhibit E	Floor Plans and Elevations – Inn
Exhibit F	Floor Plans – Event Venue
Exhibit G	Floor Plans – Main Building
Exhibit H	Neighbourhood Context (2015)
Exhibit I	896 Unity Road MDS I Setbacks
Exhibit J	896 Unity Road MDS II Setbacks
Exhibit K	PPS Policies
Exhibit L	Existing OP Designation
Exhibit M	Official Plan Policies
Exhibit N	Zoning By-Law Number 76-26, Map 1
Exhibit O	Public Correspondence Received

By-Law Number 2020-XXX

**A By-Law To Amend The Official Plan For The City Of Kingston Planning Area
(Amendment Number 67, 2285 and 2311 Battersea Road and Kingston Con 6 PT Lot
33 RP; 13R-15799 Part 1)**

Passed: [Meeting Date]

Whereas a Public Meeting was held regarding this amendment on _____;

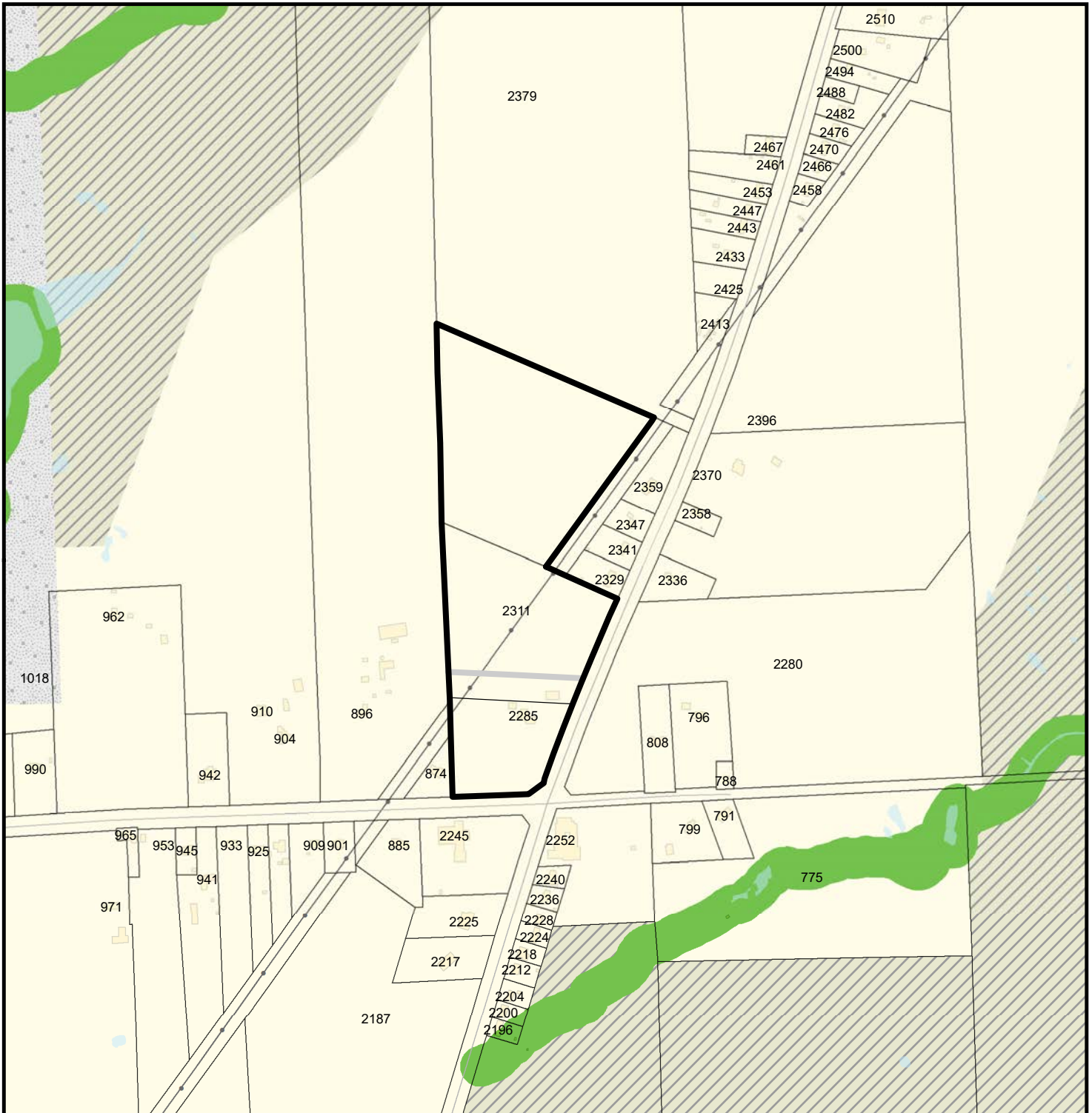
Now Therefore the Council of The Corporation of the City of Kingston, in accordance with the provisions of Section 17 of the *Planning Act*, R.S.O. 1990, c.P13, hereby enacts as follows:

1. The Official Plan for the City of Kingston is hereby amended by the following map change which shall constitute Amendment Number 67 to the Official Plan for the City of Kingston.
 - (a) **Amend** Schedule '3-B', 'Land Use', of the City of Kingston Official Plan, so as to designate the property located at 2285 and 2311 Battersea Road and Kingston Con 6 PT Lot 33 RP; 13R-15799 Part 1, as shown on Schedule 'A' to By-Law Number 2020-____, from 'Rural Lands' to 'Rural Commercial'.
2. This by-law shall come into force and take effect on the day that is the day after the last day for filing an appeal pursuant to the *Planning Act*, provided that no Notice of Appeal is filed to this by-law in accordance with the provisions of Section 17, Subsection 24 of the *Planning Act*, as amended; and where one or more appeals have been filed within the time period specified, at the conclusion of which, the By-Law shall be deemed to have come into force and take effect on the day the appeals are withdrawn or dismissed, as the case may be.

Given all Three Readings and Passed: [Meeting date]

John Bolognone
City Clerk

Bryan Paterson
Mayor



Planning Services

a department of
Community
Services

SCHEDULE 'A' **OFFICIAL PLAN AMENDMENT NUMBER _____**

File Number: D35-003-2019
 Addresses: 2285 Battersea Road, 2311
 Battersea Road, and Kingston Con 6
 PT Lot 33 RP; 13R-15799 Part 1

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PREPARED BY: Ichu
 DATE: 2019-05-13

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LEGEND

Official Plan Schedule 3-B, Land Use

 Lands Subject to Change from
Rural Lands to Rural Commercial

Certificate of Authentication

This is Schedule 'A' to By-Law Number _____,
 passed this _____ day of _____ 2020.



Mayor

Clerk

By-Law Number 2020-XX

A By-Law to Amend By-Law Number 76-26, “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston” (Zone Change from A1 and A2 to C3-20-H1, C3-20-H2, and C3-20-H3, 2285 and 2311 Battersea Road and Kingston Concession 6 PT Lot 33 RP; 13R-15799 Part 1)

Passed: [Meeting Date]

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

Whereas the Council of The Corporation of the City of Kingston deems it advisable to amend By-Law Number 76-26, as amended, of the former Township of Kingston;

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

1. By-Law Number 76-26 of The Corporation of the City of Kingston, entitled “A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston”, as amended, is hereby further amended as follows:
 - 1.1. Map 1 of Schedule “A”, as amended, is hereby further amended by changing the zone symbol of the subject site from ‘A1’ and ‘A2’ to ‘C3-20-H1’, ‘C3-20-H2’, and ‘C3-20-H3’, as shown on Schedule “A” attached to and forming part of By-Law Number 2020-____.
 - 1.2. By adding a new subsection 20(3)(20) thereto as follows:

“(t) C3-20 (2285 and 2311 Battersea Road and Kingston Con 6 PT Lot 33 RP; 13R-15799 Part 1)

Notwithstanding the provisions of Sections 5 and 20 hereof to the contrary, on the lands designated C3-20 on Schedule “A” hereto, the following regulations shall apply:

I. Definitions

For the purposes of this section, the following definitions shall apply:

- (a) “Assembly hall” means a building or a part of a building in which facilities are provided for the gathering of persons for civic, political, travel, religious, social, educational, recreational or similar purposes, and includes, without limitation, an auditorium or banquet hall. An assembly hall does not include a standalone beverage room, restaurant, gym, or nightclub.
- (b) “Building footprint” means all parts of a building (excluding roof overhangs) that rest, directly or indirectly, on the ground, including those portions of the building that are supported by posts, piers, or columns.
- (c) “Café” means a building or part of a building where beverages are offered for sale or sold to the public and may include ancillary retailing of prepared foods and/or merchandise related to the principal use. This definition shall not include a Restaurant, retail store, or farm produce retail outlet.
- (d) “Conservation use” means the use of land for the preservation, protection and improvement of the natural environment through management and maintenance programs.
- (e) “Farm produce retail outlet” means a use accessory to a permitted farm use which consists of the retail sale of agricultural products and may include the sale of gifts, souvenirs, or personal items.
- (f) “Rental cabin” means a detached building providing sleeping accommodation for the travelling or vacationing public, and which includes washroom facilities, but does not include a kitchen or laundry facilities. Limited facilities for the preparation of food shall be permitted including a bar sink, mini fridge, small plug in appliances such as a coffee maker, kettle, and toaster, and cupboards.
- (g) “Spa” means those premises where personal services for therapeutic or relaxation purposes are performed by certified aestheticians or registered massage therapists and may include such services as aromatherapy, massage therapy and aesthetics/beauty services.

- (h) “Tied house” means those premises where food and beverages produced on-site are offered for consumption by the public under licence from the Alcohol and Gaming Commission of Ontario.
- (i) “Winery” or “nanobrewery” or “cidery” means the use of land, buildings or structures for the production, distribution, and retail sale of beer, cider, and/or wine products predominantly grown and processed on-site, and which may include administrative facilities, a retail and/or a sampling area and any associated outdoor patio area, but shall not include a restaurant or other on-site dining facilities.

II. Permitted uses

The only permitted uses on the property shall be:

(a) Residential use:

An accessory dwelling unit in the upper floor of a non-residential building that is occupied by the owner or operator of the site.
This unit shall not be rented out for short term accommodation.

(b) Non-residential uses:

- i. a farm;
- ii. a public use in accordance with the provisions of Section 5(18) hereof;
- iii. a conservation use;
- iv. a hotel;
- v. a spa;
- vi. an assembly hall;
- vii. rental cabins;
- viii. a restaurant;
- ix. a café;
- x. a winery;
- xi. a nanobrewery;
- xii. a cidery;
- xiii. a farm produce retail outlet;
- xiv. a nursery/garden centre/greenhouse; and
- xv. accessory buildings

III. Regulations for Permitted Uses

A. General Provisions

- I. For the purposes of zoning, the lands zoned C3-20 shall be treated as one lot.
- II. Unless otherwise specified, the following regulations apply:
 - a) Maximum lot coverage: 10%
 - b) Minimum landscaped open space: 30%
 - c) Where the property abuts a lot containing a dwelling house and no farm or agricultural use, or abuts a hydro corridor, a minimum 3-metre wide landscape buffer shall be provided. The landscaped buffer shall include a visual screen consisting of any combination of privacy fencing and/or unbroken vegetation with a minimum height of 1.8 metres.
 - d) Front yard setback (minimum): 7.6 metres
 - e) Exterior side yard setback (minimum): 7.6 metres
 - f) Interior side yard setback (minimum): 9.1 metres
 - g) Rear yard setback (minimum): 9.1 metres
 - h) Parking: In accordance with Section 5 of this By-law
 - i) Setback to wetland feature boundary (minimum): 7.5 metres
 - j) Maximum building height: 10.7 metres
- III. A maximum of 67 hotel rooms are permitted, of which, a maximum of 40 can be rental cabins.
- IV. Special Access Requirements: A maximum of five (5) driveways are permitted.
- V. Standard parking stall size (minimum): 2.6 metres x 5.2 metres
- VI. Accessible parking stall size (minimum):
 - a) Type A: 3.4 metres x 6.0 metres

b) Type B: 2.7 metres x 6.0 metres

c) Access aisle: 1.5 metres x 6.0 metres

- VII. The lands shall be serviced by means of a private communal water system and private sewage disposal system that are designed and operated in accordance with all applicable laws, permits and regulations, including, without limitation, all laws, permits and regulations of the Ministry of Environment Conservation and Parks, the local health unit, and the City.

B. Winery, Nano-brewery, Cidery

The following regulations apply to the winery, nanobrewery, and cidery:

- a. A minimum of 2 hectares on the lands must be planted with crops used in the annual production of wine, beer, and/or cider.
- b. Goods produced by the winery, nanobrewery and/or cidery shall be made from crops grown on the property, or in the Province of Ontario that are processed on site;
- c. The nanobrewery shall not produce more than one thousand (1,000) barrels (or one thousand, two hundred (1,200) hectolitres) of beer per year. The maximum amount of beer produced per year may be increased to 3,000 hectolitres through the utilization of imported water.
- d. A tied house may be included as an accessory use to a winery, cidery, and/or nanobrewery.
- e. Subject to provincial licensing requirements, the gross floor area of the on-site tasting room, tied house, and beer, wine and/or cider retail store shall not, in the aggregate, exceed 200 square metres excluding the following areas: (i) below ground storage; and (ii) any outdoor area(s).

C. James Hickey House

- I. Front yard setback (minimum): 60 metres
- II. Exterior side yard setback (minimum): 30 metres

- III. Interior side yard setback (minimum): 30 metres
- IV. Maximum building height: 13.7 metres
- V. Outdoor patios are prohibited on the west side of the building.
- VI. Maximum gross floor area of restaurant including outdoor areas: 200 square metres
- VII. Maximum gross floor area of farm produce retail outlet and café: 200 square metres in the aggregate

D. Assembly Hall

- I. Maximum building footprint: 490 square metres
- II. Maximum gross floor area for event space, including reception: 495 square metres.
- III. Maximum building height: 13.7 metres
- IV. Minimum setback from a dwelling unit on an adjacent lot: 80 metres

E. Rental Cabins

- I. Maximum number of rental cabins: 40
- II. Maximum gross floor area per rental cabin: 47 square metres
- III. Maximum height of a rental cabin: 7.6 metres

F. Hotel and Spa

- I. Minimum setback from eastern interior side lot line: 30 metres

G. Minimum Distance Separation (MDS)

- I. For the purposes of calculating MDS I and MDS II setbacks , the following uses shall be considered a Type A land use:
 - a. Restaurant, contained within the Expanded Farmhouse, which may include outdoor seating;
 - b. Farm produce retail outlet and café;

- c. Winery, nanobrewery, and cidery;
 - d. Accessory tasting room and tide house;
 - e. Farm;
 - f. Conservation use;
 - g. Nursery, garden centre, or greenhouse;
 - h. Parking and other accessory buildings that are not used for human habitation; and
 - i. A maximum of 7 hotel rooms consolidated in one building.
- II. For the purposes of calculating MDS I and MDS II requirements, the following uses shall be considered a Type B land use:
 - a. Hotel;
 - b. Spa and associated indoor and outdoor amenity areas;
 - c. Restaurant and café with outdoor seating area;
 - d. Rental cabins; and
 - e. Assembly hall.
- III. Minimum distance separation (MDS): An MDS I setback of 220 metres is required from the existing horse barn located at 896 Unity Road for Type B land uses. If the barn no longer generates an MDS I setback, this provision will cease to apply in accordance with Section H.
- IV. For the purposes of calculating MDS I and MDS II requirements, the lands zoned C3-20-H1 shall be considered a Type B land use.
- V. For the purposes of calculating MDS I and MDS II requirements, the lands zoned C3-20-H2 shall be considered a Type A land use. The lands will be considered a Type B land use when a by-law has been enacted to remove the ‘-H’ Holding Symbol in accordance with the requirements outlined in Section H.
- VI. For the purposes of calculating MDS I and MDS II requirements, the lands zoned C3-20-H3 shall be used for farm uses only. The lands will be considered a Type B land use when a by-law has been enacted to remove the ‘-H’ Holding Symbol in accordance with the requirements outlined in Section H.

H. Holding Symbols

- I. C3-20-H1: A by-law shall not be enacted to remove the ‘-H1’ Holding Symbol until such time as:

- a. A site plan has been approved and a site plan agreement has been executed and registered on the title of the lands;
 - b. A minimum distance separation study demonstrates, to the City's satisfaction, that any buildings proposed comply with the MDS formulae;
 - c. All approvals have been received and permits issued from the Cataraqui Region Conservation Authority under its regulations for new development near the unevaluated wetland;
 - d. A Hydrogeological Report outlining the methods of servicing the site with private well and subsurface sewage disposal systems has been completed and approved by the Ministry of Environment, Conservation, and Parks, or its successor, and the local health unit;
 - e. A Development Agreement has been executed and registered on the title of the lands to implement the groundwater monitoring program.
 - f. The City has received a copy of a current Environment Compliance Approval from the Ministry of Environment, Conservation, and Parks, or its successor, for all required private sewage works on the lands; and
 - g. City Council has given notice pursuant to the requirements of the *Planning Act* of its intention to pass a by-law to remove the '-H1' Holding Symbol.
- II. C3-20-H2: Only uses defined as a Type A land use are permitted, in accordance with the provisions outlined in Section H.I. Type B land uses are not permitted until such time that the '-H2' Holding Symbol is removed.

A by-law shall not be enacted to remove the '-H2' Holding Symbol until such time as:

- a. A site plan has been approved and an amending site plan control agreement has been executed and registered on the title of the lands;
- b. A minimum distance separation study demonstrates, to the City's satisfaction, that any buildings proposed comply with the MDS formulae;
- c. A Hydrogeological Report outlining the methods of servicing the site with private well and subsurface sewage disposal systems has been completed and approved by the Ministry of Environment, Conservation, and Parks, or its successor, and the local health unit;
- d. The City has received a copy of a current Environment Compliance Approval from the Ministry of Environment,

Conservation, and Parks, or its successor, for all required private sewage works on the lands; and

- e. City Council has given notice pursuant to the requirements of the *Planning Act* of its intention to pass a by-law to remove the '-H2' Holding Symbol.

III. C3-20-H3: Only farm uses or accessory buildings are permitted in accordance with the provisions outlined in Section H.I. Type B land uses are not permitted until such time that the '-H3' Holding Symbol is removed. A by-law shall not be enacted to remove '-H3' Holding Symbol until such time as:

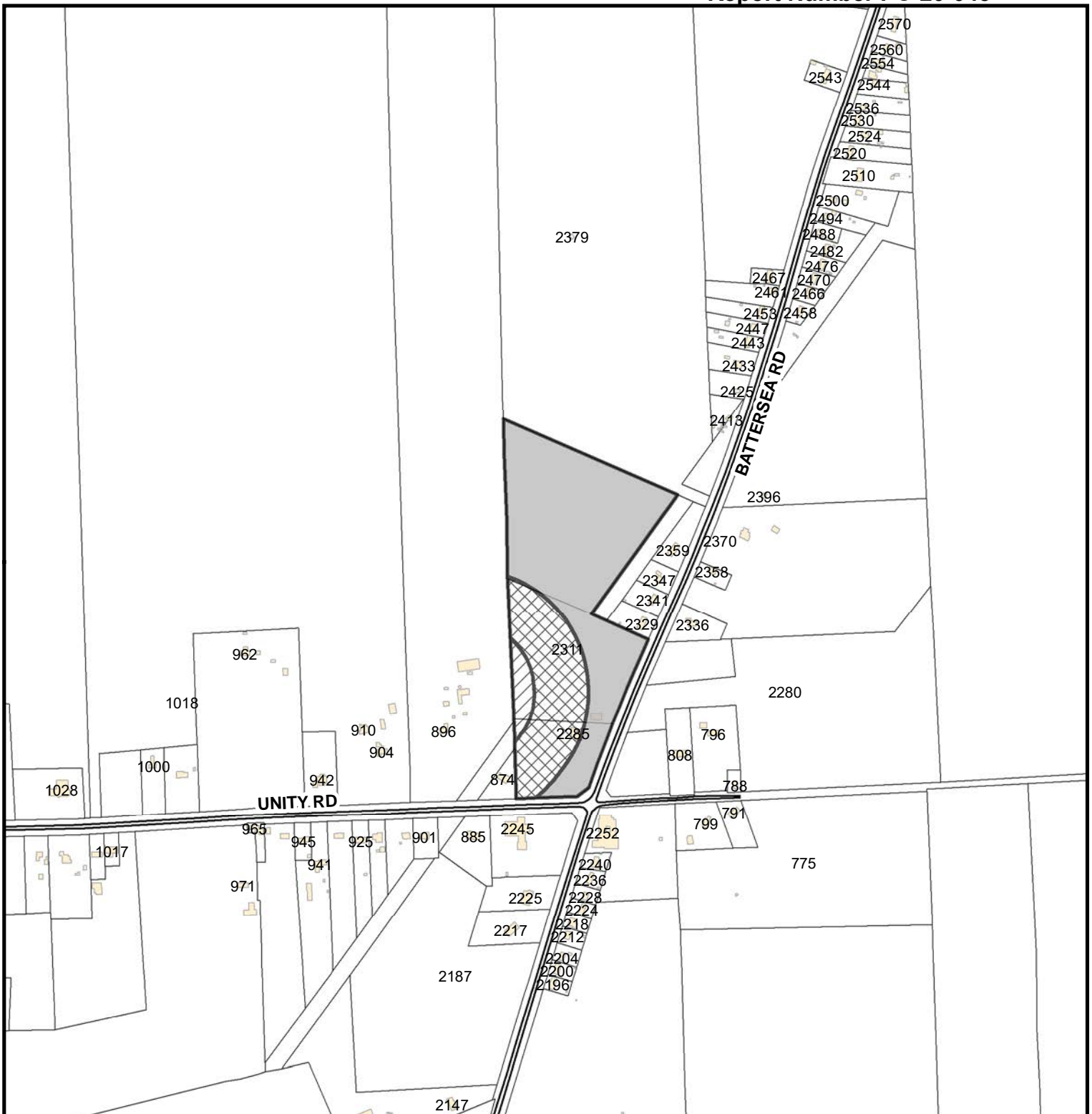
- a. A site plan has been approved and an amending site plan control agreement has been executed and registered on the title of the lands;
- b. A minimum distance separation study demonstrates, to the City's satisfaction, that any buildings proposed comply with the MDS formulae;
- c. The City has received a copy of a current Environment Compliance Approval from the Ministry of Environment, Conservation, and Parks, or its successor, for all required private sewage works on the lands, if required; and
- d. City Council has given notice pursuant to the requirements of the *Planning Act* of its intention to pass a by-law to remove the '-H3' Holding Symbol."

- 2. That this by-law shall come into force in accordance with the provisions of the *Planning Act*.

Given all Three Readings and Passed: [Meeting Date]

John Bolognone
City Clerk

Bryan Paterson
Mayor






Planning Services
a department of
Community
Services

SCHEDULE 'A'
TO BY-LAW NUMBER

File Number: D35-003-2019
Addresses: 2285 Battersea Road, 2311
Battersea Road, and Kingston Con 6
PT Lot 33 RP; 13R-15799 Part 1

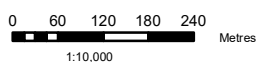
LEGEND

Reference By-Law 76-26, Map 1

-  Rezoned from A1 and A2 to C3-20-H1
 Rezoned from A1 and A2 to C3-20-H2
 Rezoned from A1 and A2 to C3-20-H3

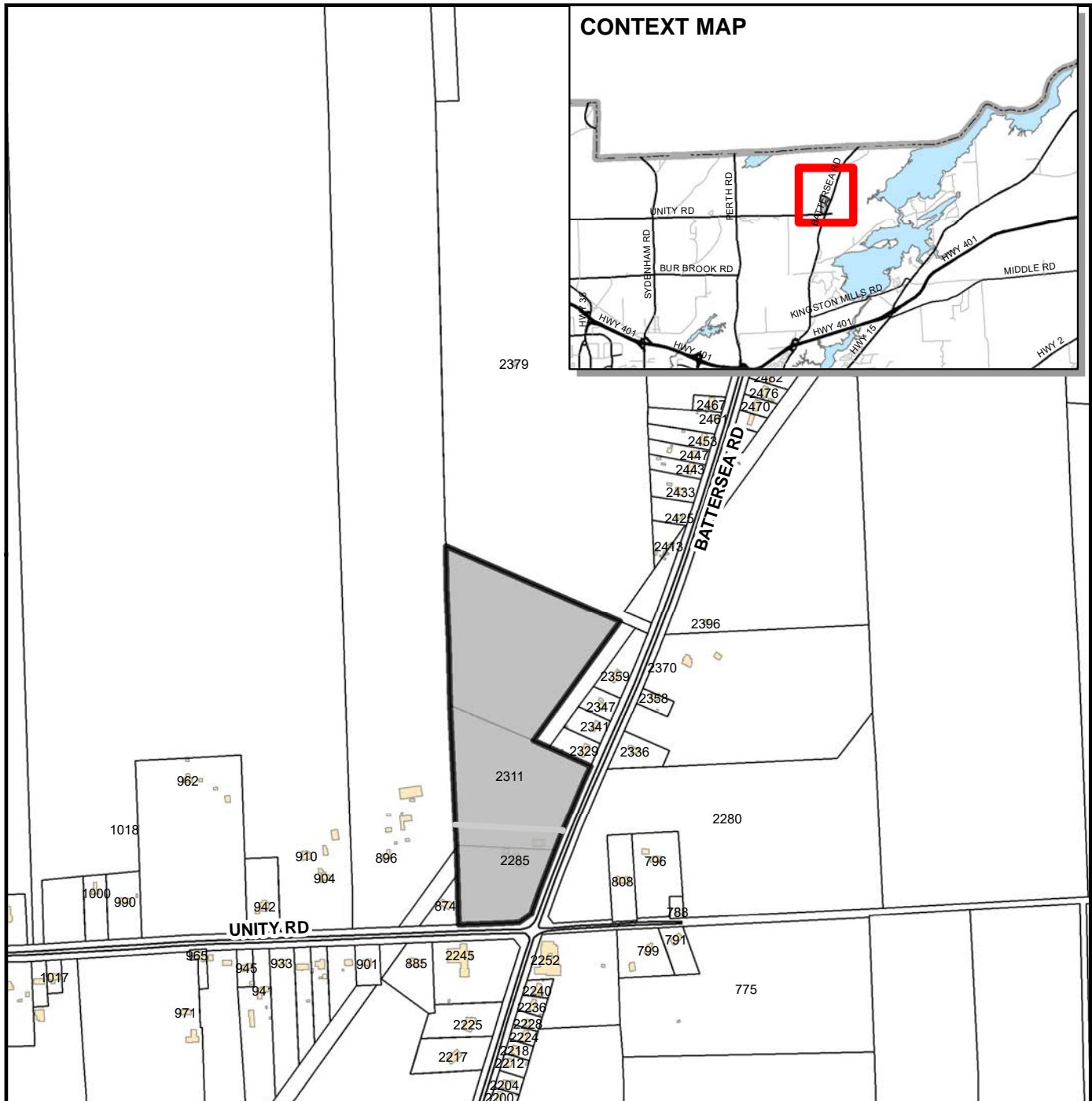
Certificate of Authentication

This is Schedule 'A' to By-Law Number _____,
passed this _____ day of _____ 2020.



Mayor

Clerk



Planning Services
a department of
Community
Services

PLANNING COMMITTEE

KEY MAP

File Number: D35-003-2019
Addresses: 2285 Battersea Road, 2311
Battersea Road, and Kingston Con 6
PT Lot 33 RP; 13R-15799 Part 1

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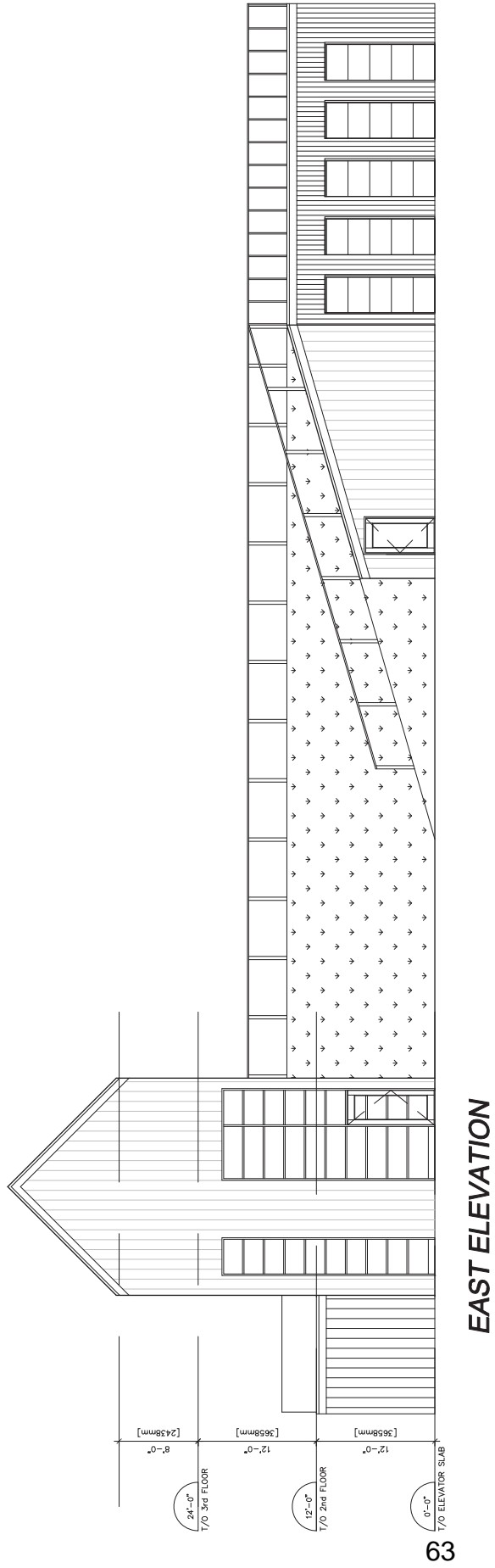
LEGEND

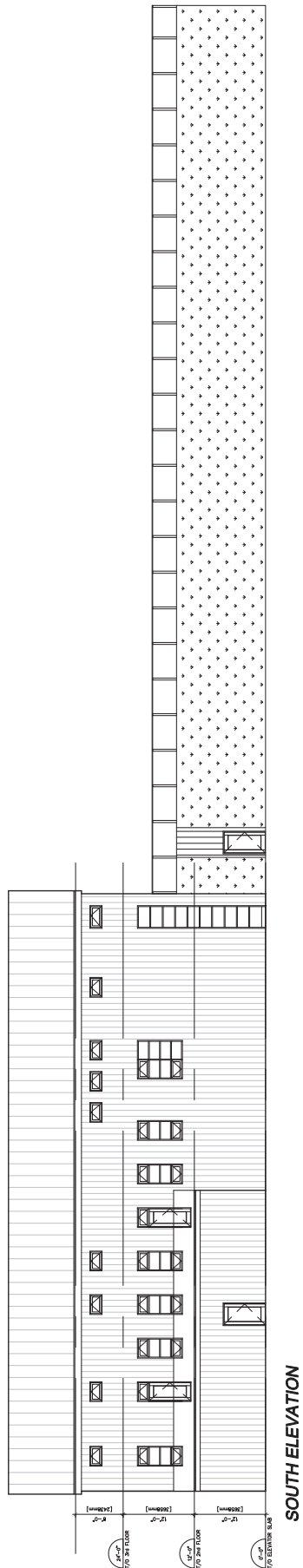
-  Subject Properties
-  Property Boundaries
-  New Property Line

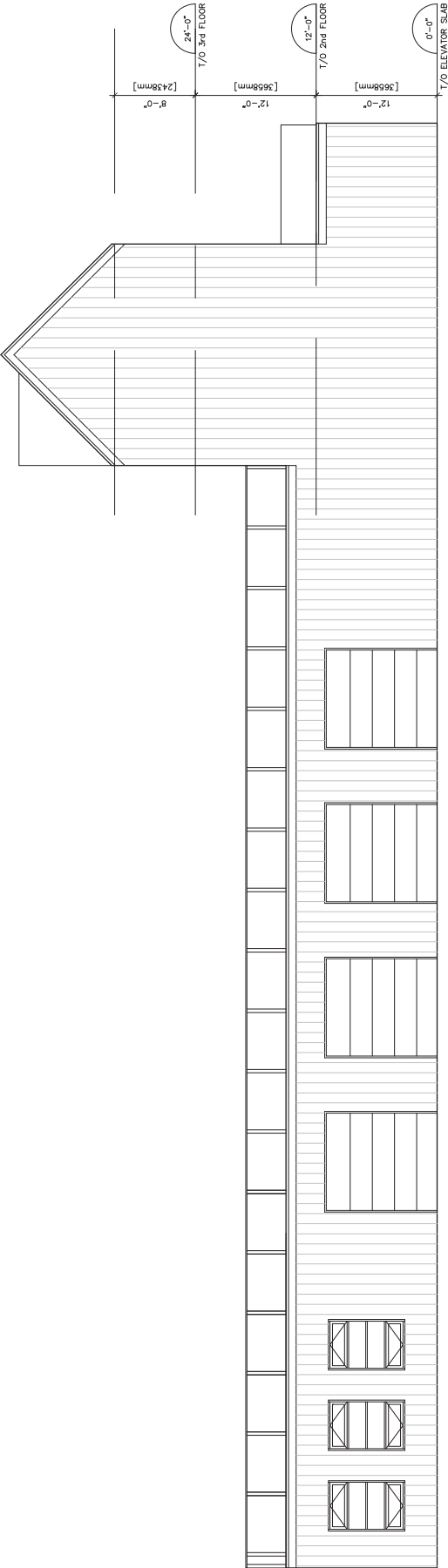


PREPARED BY: lchu
DATE: 2019-05-13

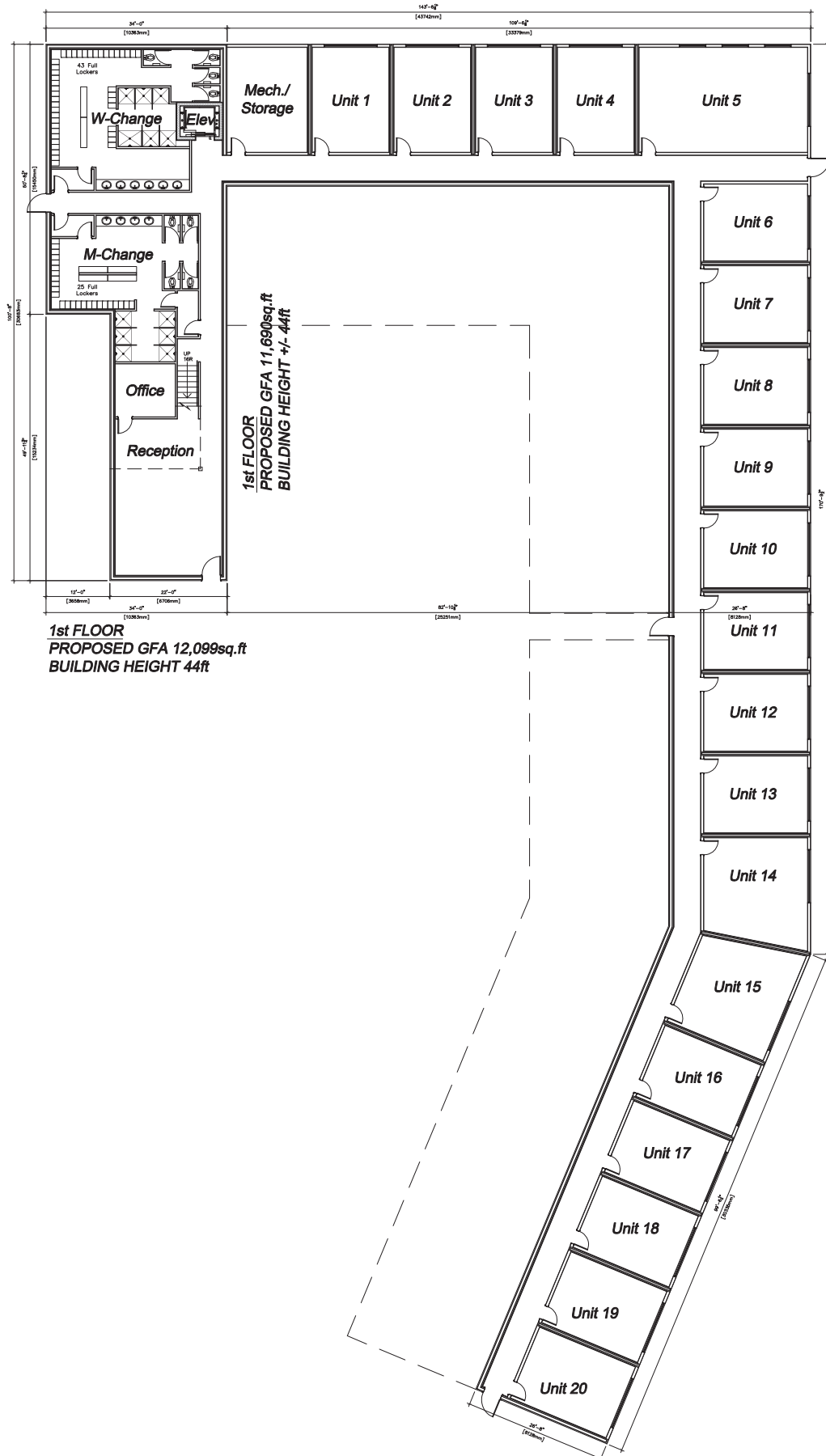
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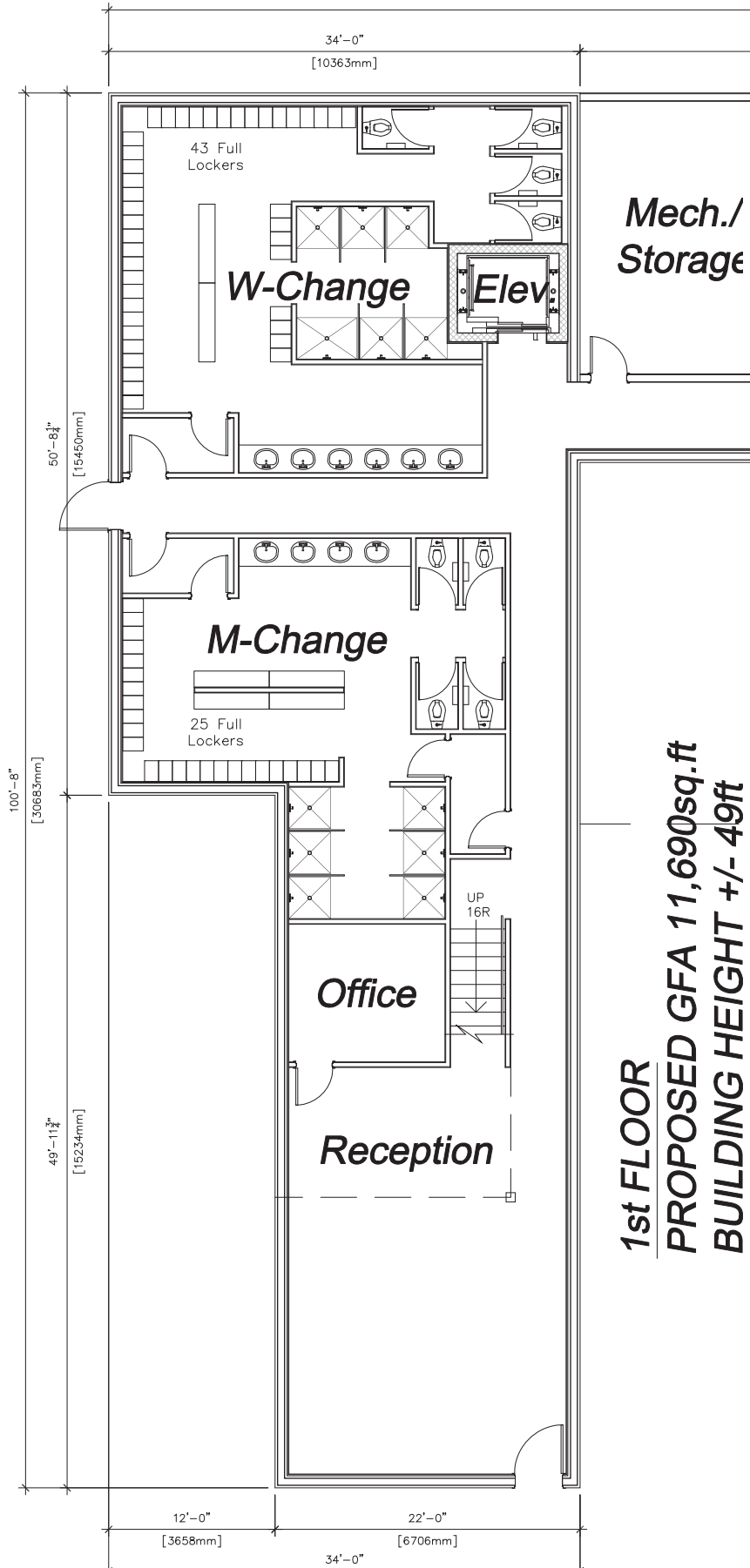




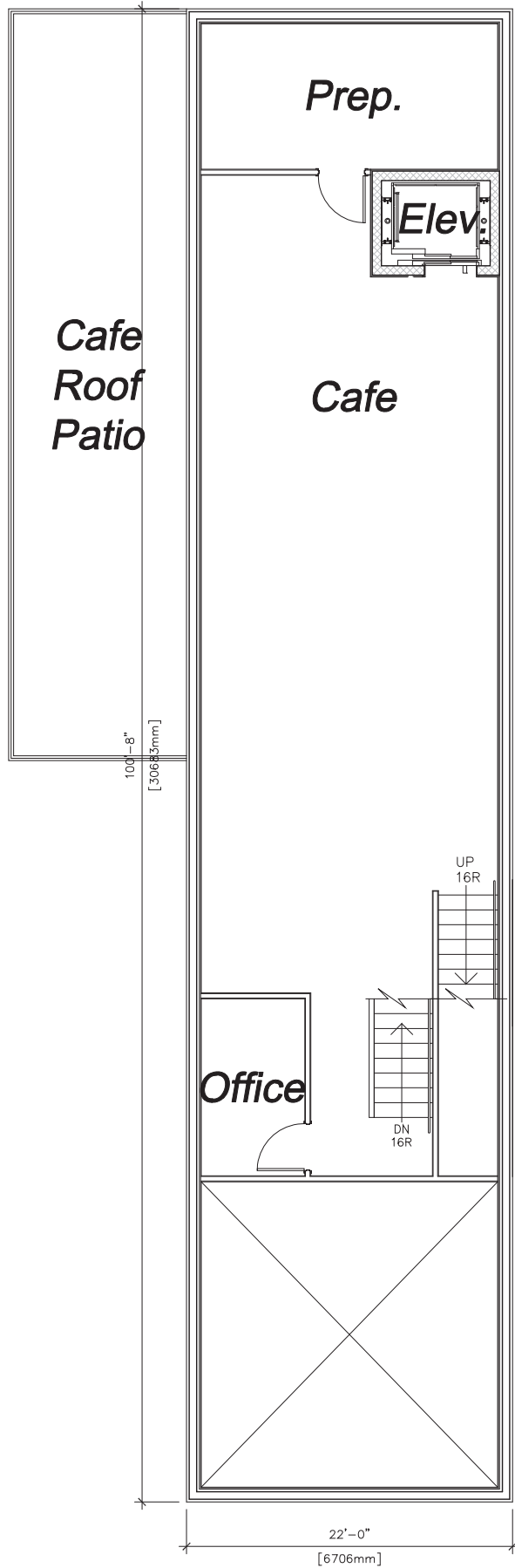


WEST ELEVATION

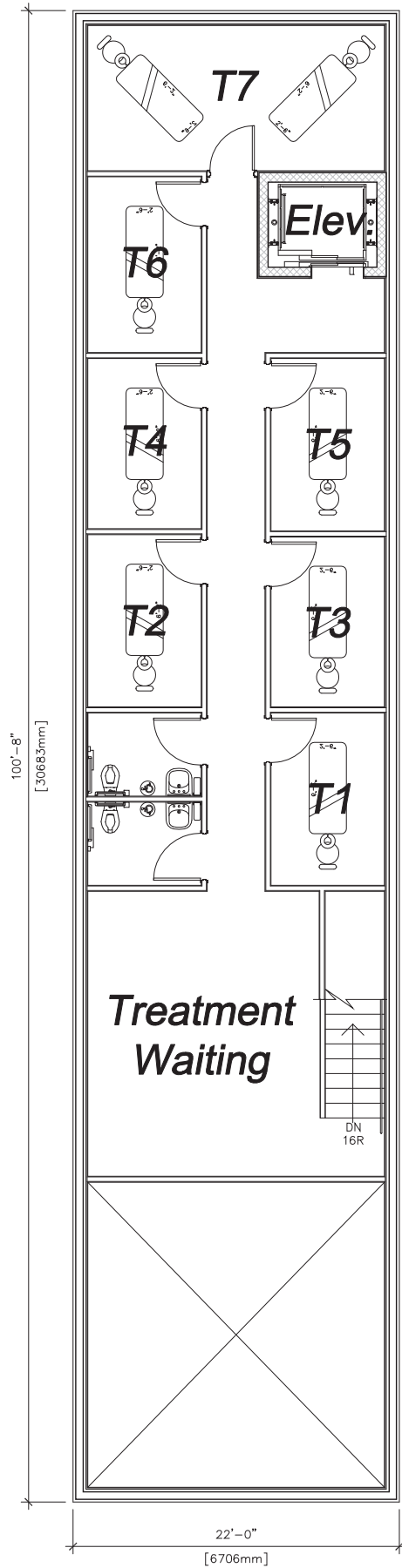




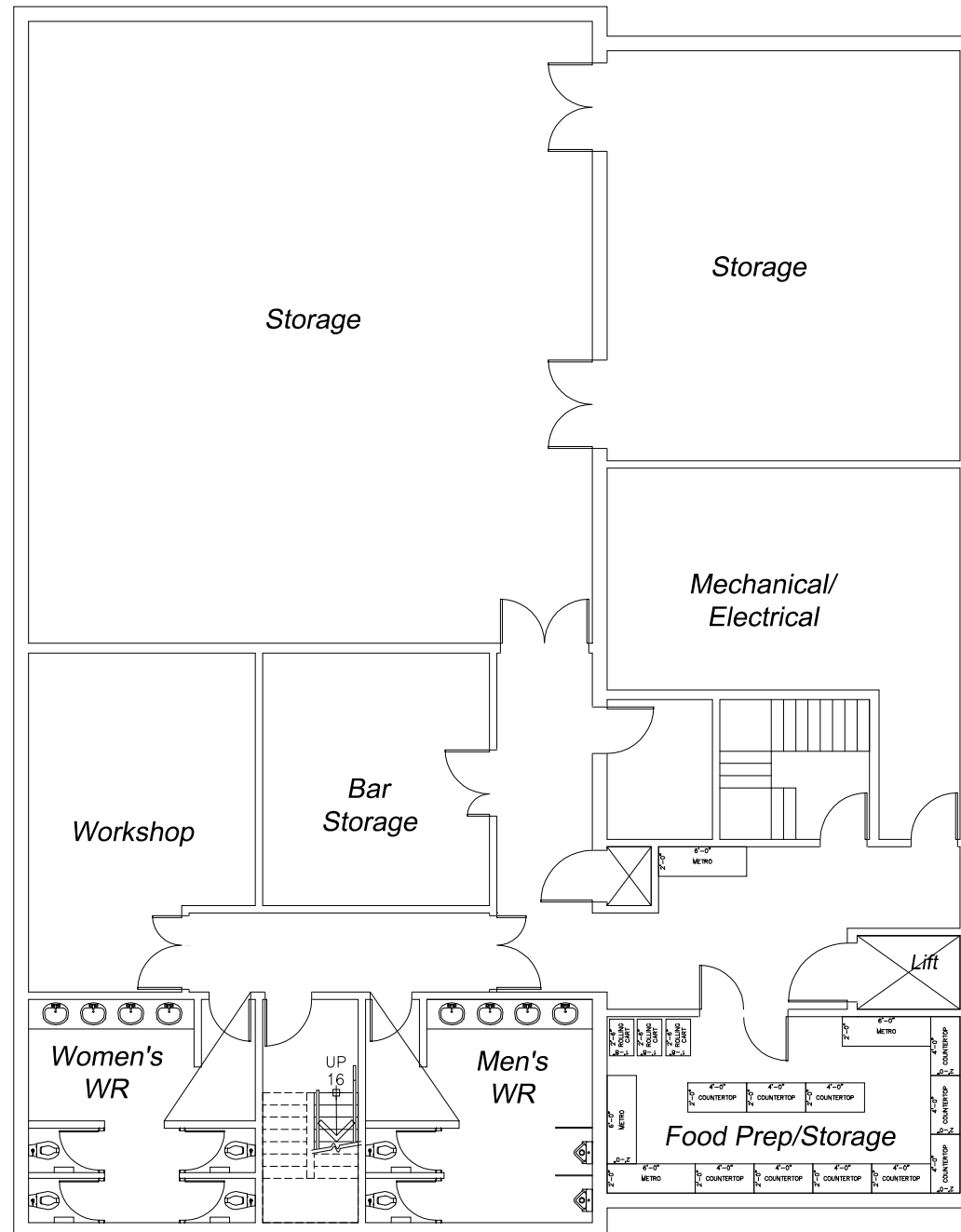
1st FLOOR
PROPOSED GFA 11,690sq.ft
BUILDING HEIGHT +/- 49ft



2nd FLOOR
PROPOSED GFA 1,740sq.ft

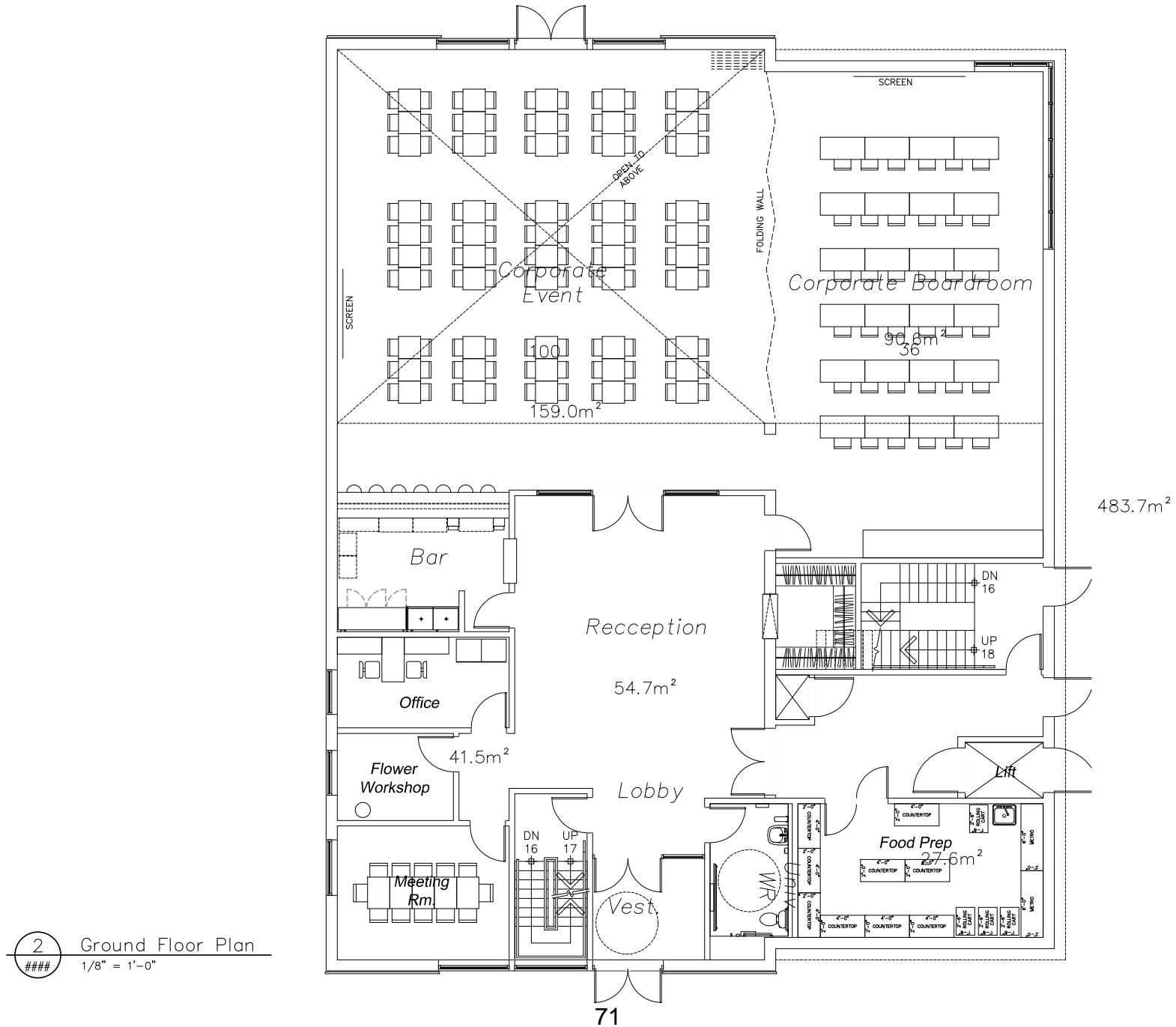


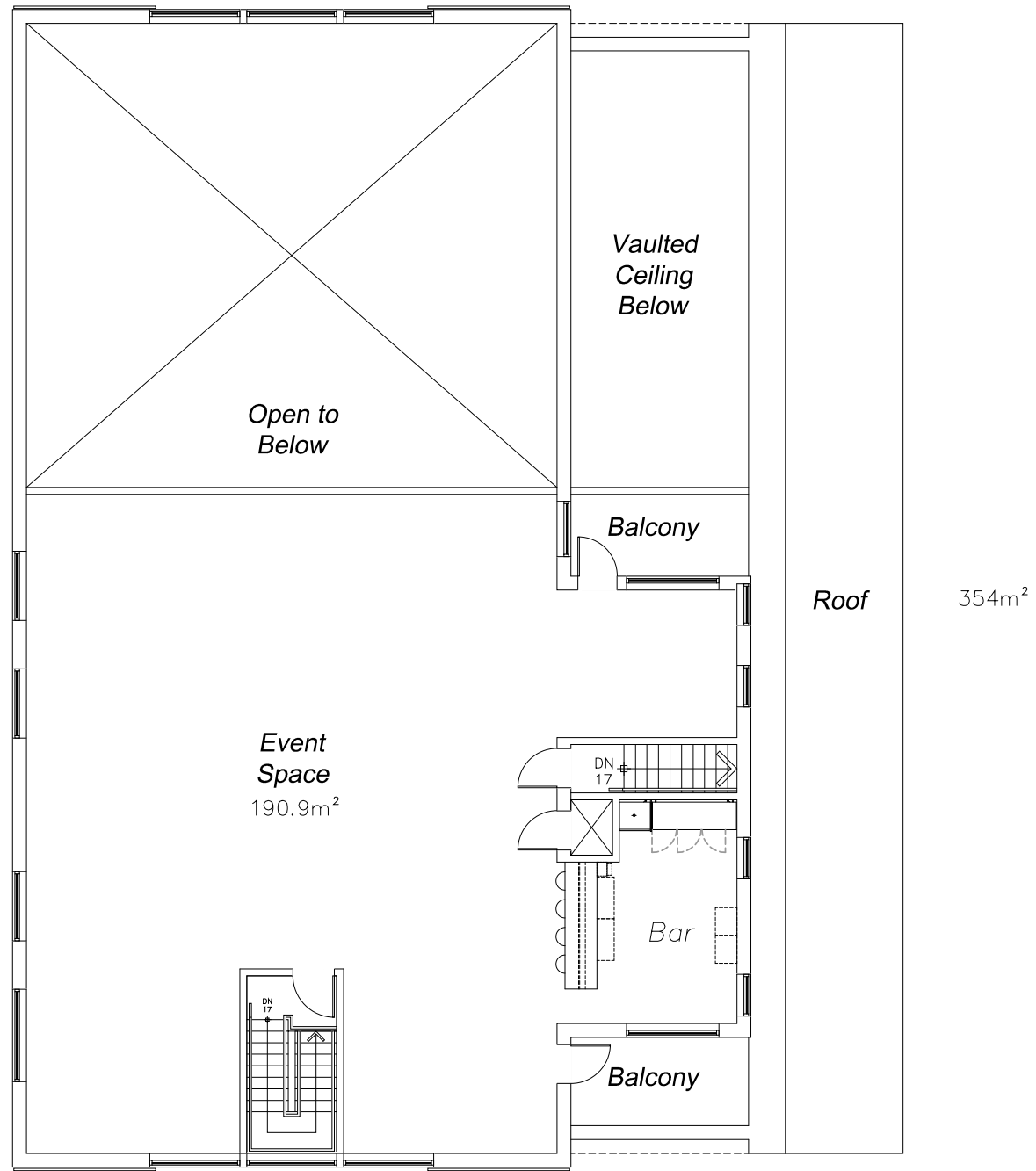
3rd FLOOR
PROPOSED GFA 1,740sq.ft



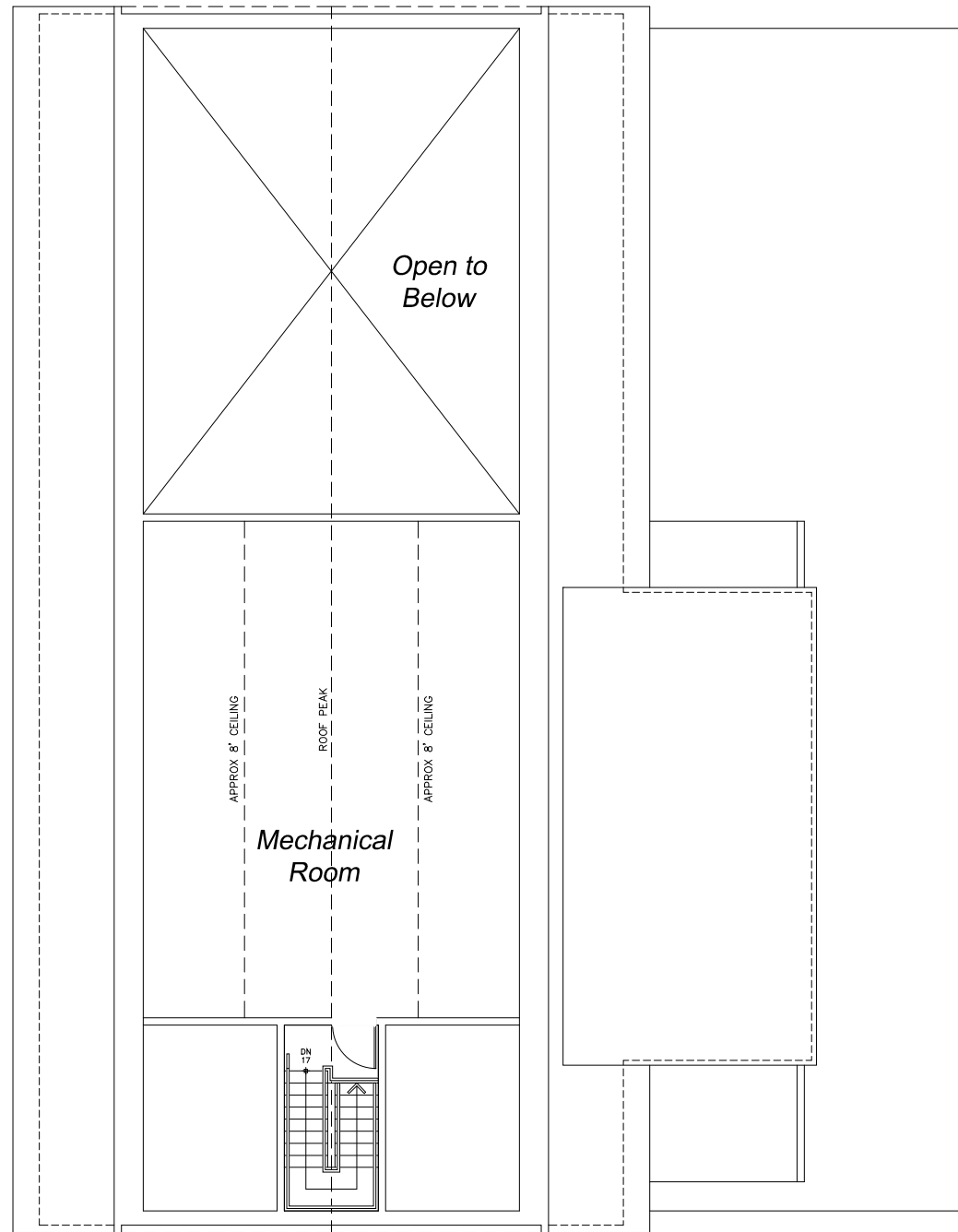
471.2m²

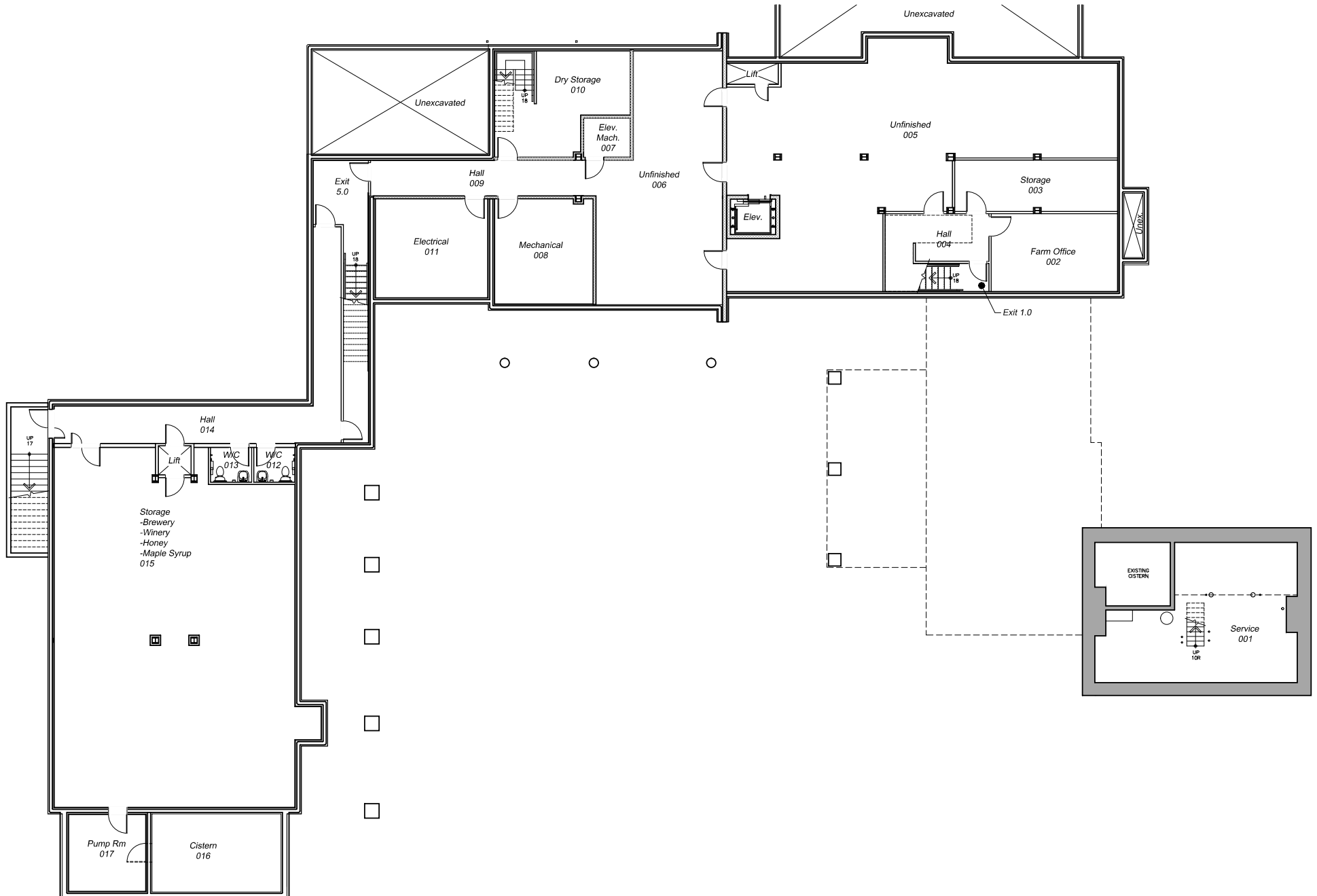
1 Basement Floor Plan
1/8" = 1'-0"

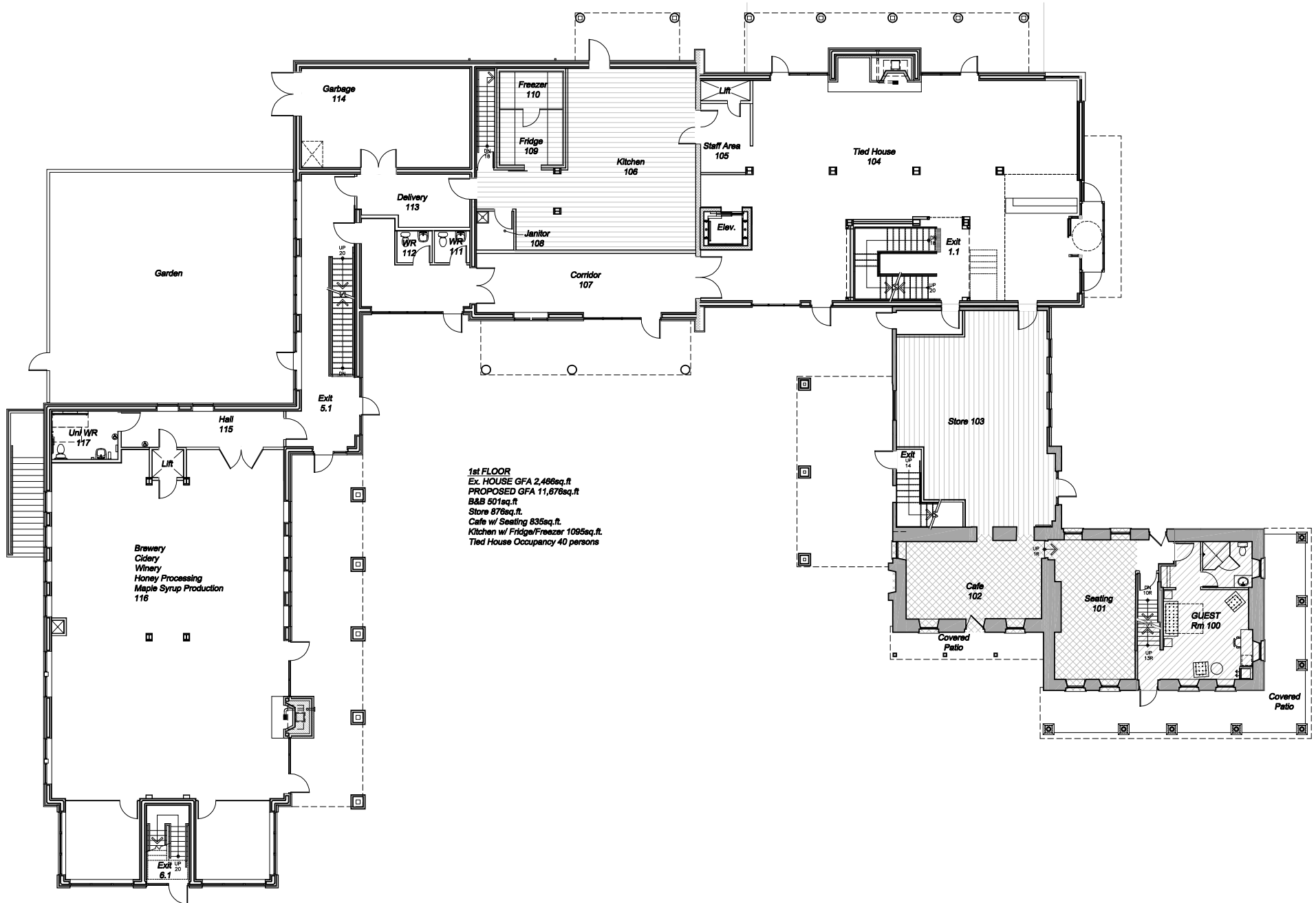


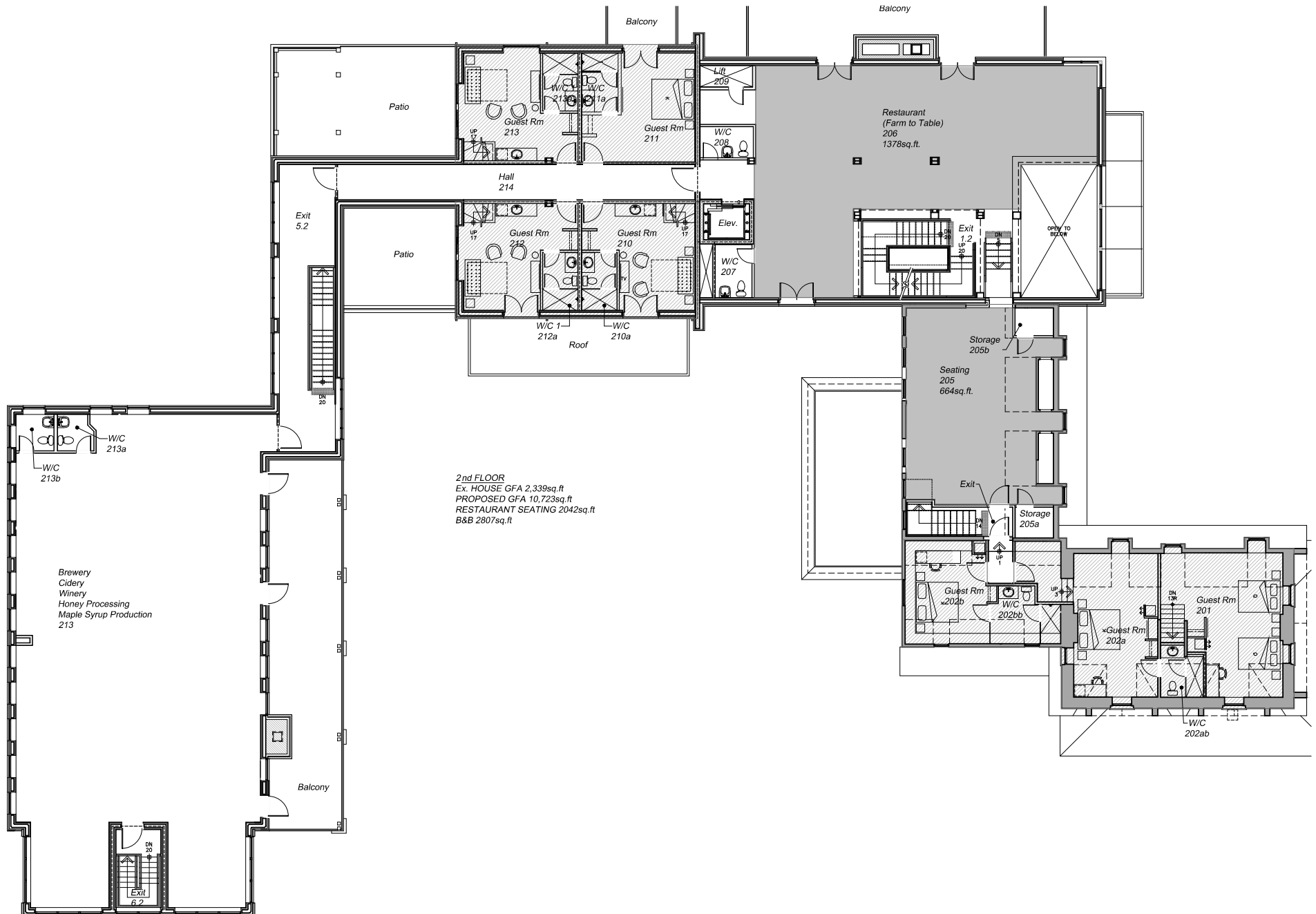


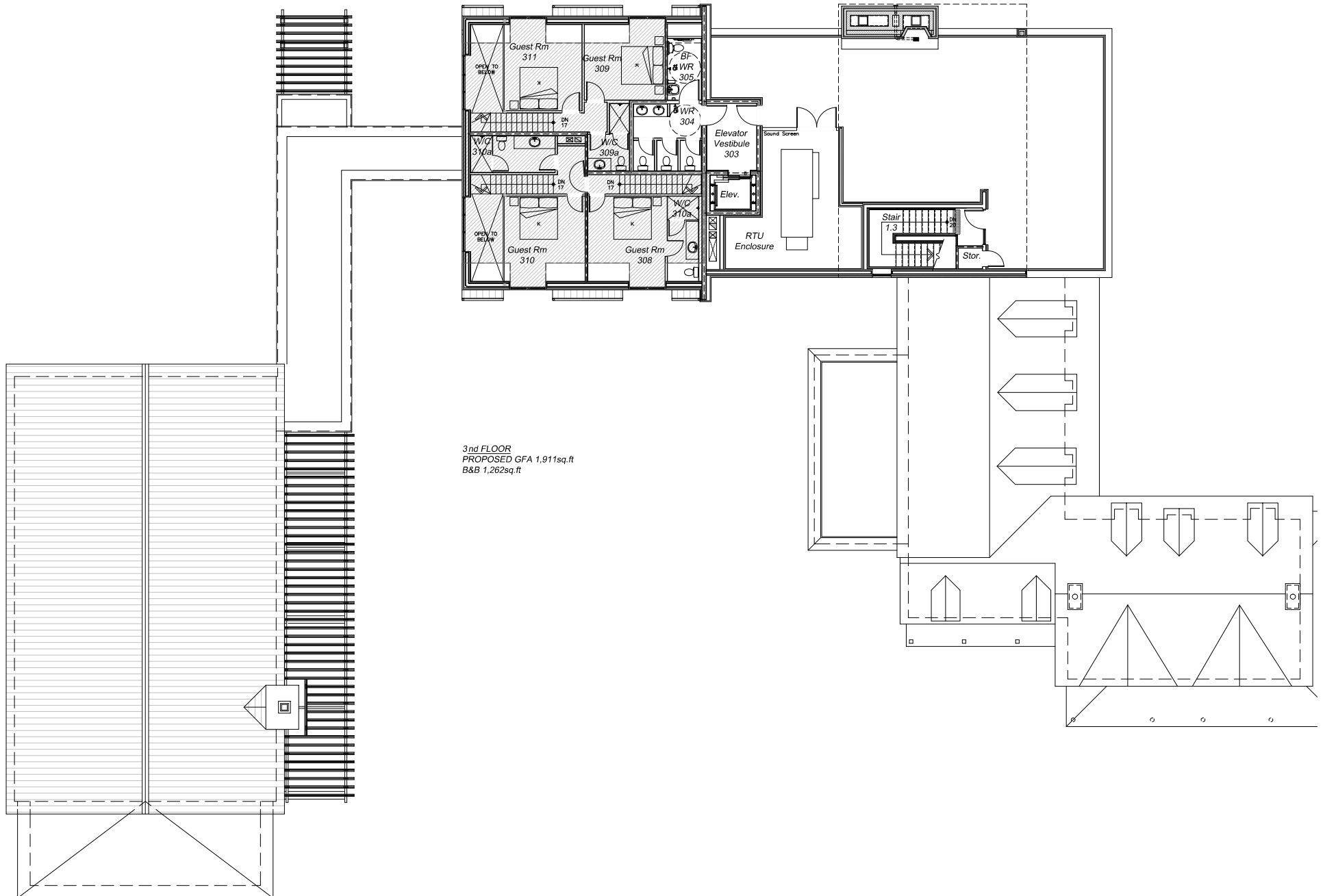
4 Roof Plan
1/8" = 1'-0"

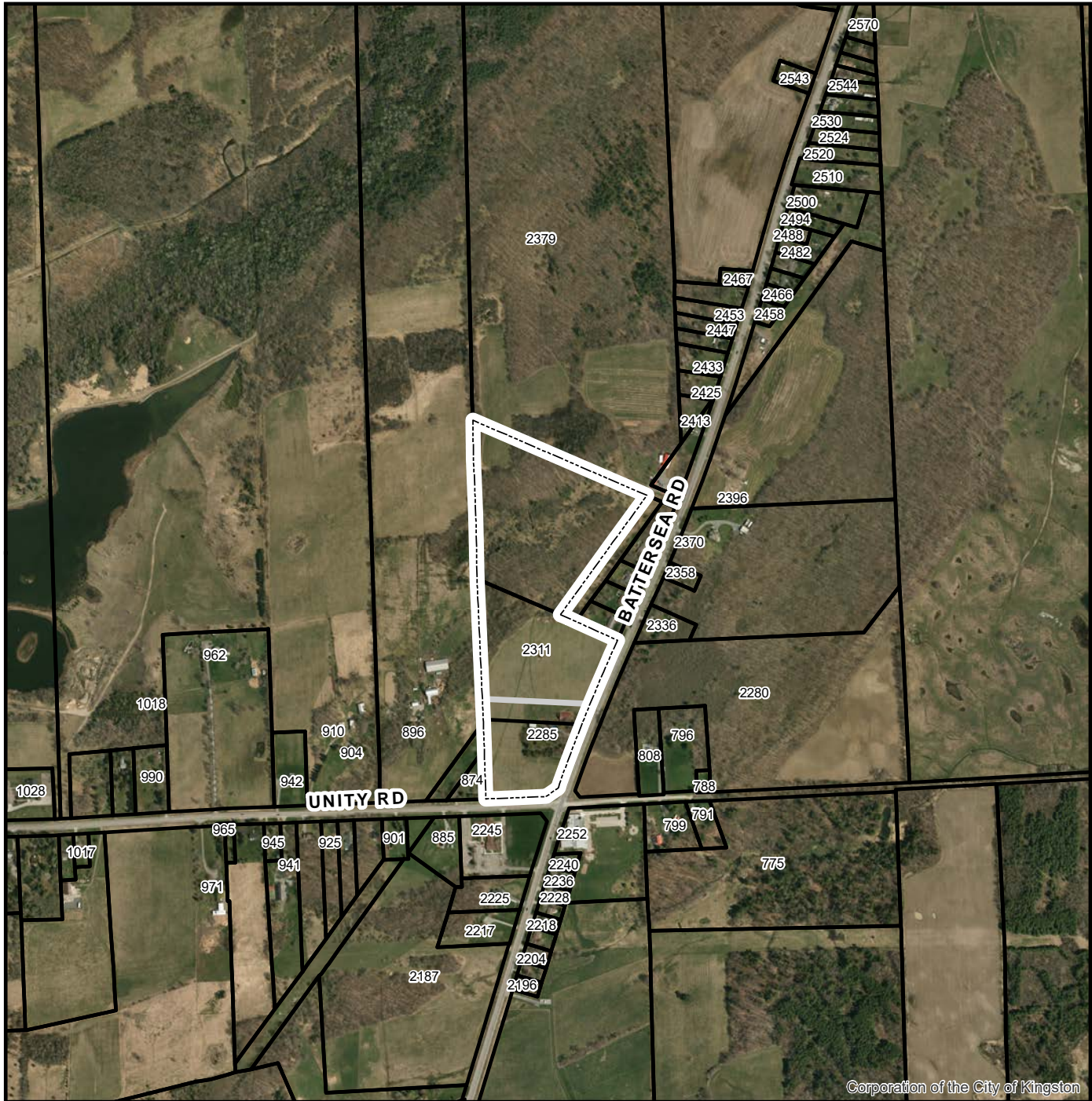












Corporation of the City of Kingston



Planning Services
a department of
Community
Services

PLANNING COMMITTEE NEIGHBOURHOOD CONTEXT (2018)

File Number: D35-003-2019
Addresses: 2285 Battersea Road, 2311
Battersea Road, and Kingston Con 6
PT Lot 33 RP; 13R-15799 Part 1

0 60 120 180 240
Metres
1:10,000

LEGEND

- Subject Properties
- Property Boundaries
- New Property Line



PREPARED BY: lchu
DATE: 2019-05-14

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Description: Spa proposal



Application Date: Wednesday, July 31, 2019

Municipal File Number: D35-003-2019

Proposed Application: New or expanding zone or designation for a commercial use outside of a settlement area
Type B Land Use

Applicant Contact Information
Not Specified

Location of Subject Lands
County of Frontenac, City of Kingston


Roll Number:  

Calculation Name: **896 Unity**

Description:

Farm Contact Information
Not Specified

Location of existing livestock facility or anaerobic digester
County of Frontenac, City of Kingston

Roll Number: 1055 

Total Lot Size: 47.3 ha


The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	12	12.0	279 m ²
Solid	Horses, Large-framed, mature; > 680 kg (including unweaned offspring)	2	2.9	60 m ²
Liquid	Chickens, Layer hens (for eating eggs; after transfer from pullet barn), Cages	20	0.1	Unavailable
Solid	Goats, Does & bucks (for meat; includes unweaned offspring)	4	0.5	6 m ²

Existing Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Design Capacity (NU): 15.5

Potential Design Capacity (NU): 31.0

Factor A (Odour Potential)	Factor B (Size)	Factor D (Manure Type)	Factor E (Encroaching Land Use)	Building Base Distance 'F' (minimum distance from livestock barn)	(actual distance from livestock barn)
0.7	X	221.96	X	0.7	X
				2.2	=
				240 m (789 ft)	81 m (266 ft) 

Storage Base Distance 'S' (minimum distance from manure storage)	(actual distance from manure storage)
240 m (789 ft)	TBD

Preparer Information

James Bar
Senior Planner
City of Kingston
216 Ontario Street
Kingston, ON, Canada
Email: jbar@cityofkingston.ca

Signature of Preparer: _____ Date: _____
James Bar, Senior Planner

NOTE TO THE USER:
The Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed this software program for distribution and use with the Minimum Distance Separation (MDS) Formulae as a public service to assist farmers, consultants, and the general public. This version of the software distributed by OMAFRA will be considered to be the official version for purposes of calculating MDS. OMAFRA is not responsible for errors due to inaccurate or incorrect data or information; mistakes in calculation; errors arising out of modification of the software, or errors arising out of incorrect inputting of data. All data and calculations should be verified before acting on them.

Description:
Application Date: Tuesday, June 23, 2020


Municipal File Number:
Applicant Contact Information

Not Specified

Location of Subject Livestock Facilities

County of Frontenac, City of Kingston

Concession: , Lot:

Roll Number: 1055 
Calculation Name: **896 Unity Road**
Description: Double sized barn

The barn area is an estimate only and is intended to provide users with an indication of whether the number of livestock entered is reasonable.

Manure Type	Type of Livestock/Manure	Existing Maximum Number	Existing Maximum Number (NU)	Total Maximum Number	Total Maximum Number (NU)	Estimated Livestock Barn Area
Solid	Horses, Medium-framed, mature; 227 - 680 kg (including unweaned offspring)	12	12.0	24	24.0	557 m ²
Solid	Horses, Large-framed, mature; > 680 kg (including unweaned offspring)	2	2.9	4	5.7	121 m ²
Solid	Chickens, Broiler breeder layers (males/females transferred in from grower barn), Cages	20	0.2	40	0.4	5 m ²
Solid	Goats, Does & bucks (for meat; includes unweaned offspring)	4	0.5	8	1.0	11 m ²

Manure Storage: V3. Solid, outside, no cover, >= 30% DM

Existing design capacity (NU): 15.6

Design capacity after alteration (NU): 31.1

Factor A (Odour Potential) Factor B (Size) Factor C (Orderly Expansion) Factor D (Manure Type) Building Base Distance 'F' (minimum distance from livestock barn)

0.7 X 222.23 X 0.8737 X 0.7 = 95 m (312 ft)

Storage Base Distance 'S' (minimum distance from manure storage)

95 m (312 ft)
MDS II Setback Distance Summary

Description	Minimum Livestock Barn Setback Distance	Actual Livestock Barn Setback Distance	Minimum Manure Storage Setback Distance	Actual Manure Storage Setback Distance
Type A Land Uses	95 m 312 ft	TBD	95 m 312 ft	TBD
Type B Land Uses	190 m 624 ft	TBD	190 m 624 ft	TBD
Nearest lot line (side or rear)	10 m 31 ft	TBD	10 m 31 ft	TBD
Nearest road allowance	19 m 62 ft	TBD	19 m 62 ft	TBD

Preparer Information

James Bar
Senior Planner
City of Kingston
216 Ontario Street
Kingston, ON, Canada
Email: jbar@cityofkingston.ca

Signature of Preparer: _____ Date: _____
James Bar, Senior Planner

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

Policy Number	Policy	Category	Consistency with the Policy
Section 1.1.1	<p>Managing and directing land use to achieve efficient and resilient development and land use patterns:</p> <ul style="list-style-type: none"> • Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long-term; (1.1.1.a) • Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; (1.1.1.b) • Avoiding development and land use patterns which may cause environmental or public health and safety concerns; (1.1.1.c) • avoiding 	Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns	<p>The proposed development has demonstrated through the hydrogeological study that the site's uses can be sustained by a private water system and an expansion of the municipal water system will not be required. Permitting for septic services will be handled through the Ministry of Environment Conservation and Parks as part of a future site plan control application. The development can be supported by the existing road network and provides a new commercial amenity within a short driving distance of the Kingston urban area and surrounding municipalities.</p> <p>The area centred around Battersea Road and Unity Road is not within a settlement area. This rural area is comprised of a mix of land uses that consists of several clusters of residential dwellings, agricultural, educational (Glenburnie Public School), and institutional uses (Church of Jesus Christ of Latter-day Saints, Fairmont House, County of Frontenac Government offices and paramedic services). The introduction</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>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 (1.1.1.d)</p> <ul style="list-style-type: none"> • Improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society; (1.1.1.f) • Ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public services facilities are or will be available to meet current and projected needs (1.1.1.g) • Promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate (1.1.1.h) 		<p>of a commercial use further diversifies the mix of land uses.</p> <p>The development is not proposed within or near a natural or human made hazard. Setbacks are proposed to an existing wetland on site.</p> <p>The subject lands are located over 2 kilometers from the nearest boundary of the Hamlet of Glenburnie. There are no concerns resulting from this development regarding the future expansion of this settlement area.</p> <p>The proposed development is subject to a future site plan control agreement that would review in detail accessibility considerations.</p> <p>The site will be developed on private water and wastewater services and an expansion of the municipal system is not required. Hydro-One has been circulated on the application and has not expressed concern.</p> <p>An Environmental Impact Study was completed by Ecological Services and determined that there would be no negative impact on the natural</p>

Policy Number	Policy	Category	Consistency with the Policy
			heritage features on site and put forward recommendations that are included in the Planning Report.
Section 1.1.4.1	<p>Healthy, integrated and viable rural area should be supported by:</p> <ul style="list-style-type: none"> • Building upon rural character, and leveraging rural amenities and assets; (1.1.4.1.a) • Encouraging the conservation and redevelopment of existing rural housing stock on rural lands; (1.1.4.1.d) • Using rural infrastructure and public service facilities efficiently; (1.1.4.1.e) • Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources; (1.1.4.1.f) • Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets; (1.1.4.1.g) 	Rural Areas in Municipalities	<p>The proposal maintains and supports the rural character of the area while providing additional amenities, employment opportunities and diversification of the economic base to support long term viability. The area is comprised of clusters of residential uses, non-residential uses, with large open areas for agriculture and treed sections. The redevelopment of this site does not propose to over-develop the lands. Uses are spaced out on the property and are separated from the adjacent residential development. The intersection of Unity Road and Battersea Road is developed with a school, church, and a number of residential properties. Two additional residential properties were created across the street from 2285 Battersea Road (D10-043-2017 and D10-044-2017), further adding to the cluster of uses in the area. The site proposes to continue agricultural uses on the southern portion of the site, which is the portion of the property most visible from the public realm, and to</p>

Policy Number	Policy	Category	Consistency with the Policy
	<ul style="list-style-type: none"> Conserving biodiversity and considering the ecological benefits provided by nature; (1.1.4.1.h) 		<p>adaptively reuse and expand the existing heritage designated farmhouse. The new hotel building, cabins, and the spa in the northern wooded section are buffered and visually screened from the adjacent residential dwellings.</p> <p>The proposed rural commercial development will be sustained by private onsite services and will not negatively impact the existing transportation network, as evidenced by the submitted traffic study. The new tourism use will diversify the economic base of both the immediate rural area and the City of Kingston. The development proposes to leverage the character of the site and of the area by keeping farming uses in the southern half and placing many of the new commercial uses in the northern wooded area. The EIS submitted with the application has provided recommendations for how to minimize disturbance to the natural heritage features, including setbacks from an existing wetland feature, preservation of a watercourse, and setbacks from an existing Butternut Tree.</p>

Policy Number	Policy	Category	Consistency with the Policy
Section 1.1.5.1	When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.	Rural Lands in Municipalities	All relevant sections of the PPS have been reviewed and applied through the technical review process, as evidenced by this exhibit.
Section 1.1.5.2	<p>On rural lands located in municipalities, permitted uses are:</p> <ul style="list-style-type: none"> • The management or use of resources; (1.1.5.2.a) • Resource-based recreational uses (including recreational dwellings); (1.1.5.2.b) • Limited residential uses (1.1.5.2.c) • Agricultural uses, agriculture related uses, on-farm diversified uses, and normal farm practices in accordance with provincial guidelines; (1.1.5.2.d) • Other rural land uses; (1.1.5.2.g) 	Rural Lands in Municipalities	<p>In rural areas, rural lands are more flexible than prime agricultural lands and naturally evolve over time with a mix of residential, commercial, and institutional uses, interspersed with agricultural uses. As per 1.1.5.3 (reviewed below), economic opportunities are generally promoted on rural lands above such uses as rural residential, which are limited due to their increased sensitivity to land use impacts that can prohibit the intended use of adjacent lands for rural uses (management and use of resources, recreation and tourism, etc.). The character of rural lands is thus vastly different from that of Prime Agricultural areas, which do not allow for such evolutions and range of uses and are protected for agricultural use</p> <p>The development of hotel</p>

Policy Number	Policy	Category	Consistency with the Policy
			rooms and a spa, cabins, restaurants, event centre, agricultural uses and agriculture related uses spread over a 13.7 hectare parcel is an appropriate rural land use in this location that integrates new land uses with the existing natural and cultural heritage of the property. See Section 1.1.5.3.
Section 1.1.5.3	Recreational, tourism and other economic opportunities should be promoted.	Rural Lands in Municipalities	The development proposes a tourist based commercial use that provides accommodations, spa in a rural outdoor setting, event centre, food service, and value-added agricultural uses that will attract the traveling public. The new tourism commercial use would be located close to Highway 401 and the Kingston urban area providing new amenities for travelers and local residents. The proposal represents a significant economic investment in the City's rural area.
Section 1.1.5.4	Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.	Rural Lands in Municipalities	The character of this rural area is defined by a mix of land uses with agricultural uses interspersed between residential uses. Residential uses are clustered together and located near the existing institutional uses. While the uses are clustered, there are generous separations between most uses that allow for increased

Policy Number	Policy	Category	Consistency with the Policy
			<p>greenspace between developments.</p> <p>The development proposes increased setbacks between new uses and existing uses. The character of the frontage along Unity Road and Battersea Road will remain open and in agricultural use though both the implementing zoning by-law and the recommendations of the heritage easement agreement. A large part of the development is in the treed area at the back of the site, away from existing residential and agricultural development. While there will be physical changes to the sites appearance, the rural character will be maintained.</p> <p>The site will be serviced by private on-site water and wastewater services, as demonstrated through the hydrogeological study and future permitting by MECP for the wastewater system..</p>
Section 1.1.5.5	Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.	Rural Lands in Municipalities	This development does not propose an expansion to municipal water or wastewater services. The site will be serviced by private on-site water and wastewater services, as demonstrated through the hydrogeological study and future permitting by MECP

Policy Number	Policy	Category	Consistency with the Policy
			<p>for the wastewater system. See Section 1.6.6.4.</p> <p>As demonstrated through the traffic study, the existing road network can handle additional traffic flows. No expansion to the road network is required to service this development.</p>
Section 1.1.5.6	Opportunities should be retained to locate new or expanding land uses that require separation from other uses.	Rural Lands in Municipalities	<p>The site is not adjacent to or near a large industrial use that requires separation from other uses. An Aggregate Impact Study has been completed and concluded that the development would not have an impact on existing or future aggregate operations. See Section 2.5.2.5.</p> <p>The subject lands are adjacent to a livestock facility. See Section 1.1.5.8.</p>
Section 1.1.5.7	Opportunities to support a diversified rural economy should be promoted by protecting agriculture and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.	Rural Lands in Municipalities	<p>The proposed tourist commercial development incorporates agricultural and agriculture related uses into the site. In accordance with the proposed zoning by-law, a minimum of 2 hectares planted land will be required in order to permit the winery/nano-brewery/cider uses and the associated accessory uses.</p> <p>The development satisfies the requirements of MDS</p>

Policy Number	Policy	Category	Consistency with the Policy
			as outlined in Section 1.1.5.8, and the Aggregate Impact Analysis has been accepted by the Ministry of Natural Resources and Forestry.
Section 1.1.5.8	New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.	Rural Lands in Municipalities	<p>A Planning Rationale, MDS Study, Addendum to the Planning Rationale, and a Response Memo were submitted in support of the approach to the Minimum Distance Separation.</p> <p>Due to the length of the planning justification, review of the applications consistency with the MDS policies of the PPS can be found in the body of the Comprehensive Report.</p>
Section 1.3.1	<p>Planning authorities shall promote economic development and competitiveness by:</p> <ul style="list-style-type: none"> • Providing for an appropriate mix and range of employment and institutional uses to meet long-term needs; (1.3.1.a) • 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 	Employment	<p>The proposed development provides additional commercial jobs and a new type of commercial and tourism amenity, diversifying the economic base of both the rural area and the City of Kingston.</p> <p>The lands are suitable for the rural commercial use. The site will be supported by private on-site water and wastewater services, and the existing transportation network. An expansion to municipal infrastructure is not required. The site is well serviced by the transportation network, located on an arterial road, close to Highway 401 and</p>

Policy Number	Policy	Category	Consistency with the Policy
	<p>economic activities and ancillary uses, and take into account the needs of existing and future businesses; (1.3.1.b)</p> <ul style="list-style-type: none"> • Ensuring the necessary infrastructure is provided to support current and projected needs (1.3.1.d). 		<p>the Kingston urban area. The use may draw additional visitors to Kingston and the countryside area.</p>
Section 1.6.6.4	<p>Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts.</p>	Sewage, Water and Stormwater	<p>There are no municipal water or wastewater services available to the site. The development will rely on private water and wastewater systems.</p> <p>A water demand table was created to show the intended draws from each of the proposed uses and pump testing completed.</p> <p>The hydrogeological work completed by the proponent's consultant team has satisfactorily evaluated groundwater quantity, quality, and interference to existing or future neighbours. The analysis confirms that the hydrogeologic conditions are suitable for the proposed development.</p> <p>As demonstrated through the Hydrogeological Study and peer review, there is</p>

Policy Number	Policy	Category	Consistency with the Policy
			<p>enough groundwater resources to support the proposed development.</p> <p>The wastewater system is regulated by MECP and will be permitted through their office.</p>
Section 1.6.6.7	<p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> a. be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b. minimize, or, where possible, prevent increases in contaminant loads; c. minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure; d. mitigate risks to human health, safety, property and the environment; e. maximize the extent and function of vegetative and pervious surfaces; 	Sewage, Water and Stormwater	<p>The stormwater management system has been designed to maximize infiltration using sheet flow drainage patterns and flat-bottomed swales. Water quality objectives have been assessed, and the enhanced vegetated swales have been designed in accordance with the recommendations given in the TRCA/CVC 'Design Guide' for LID design.</p> <p>The Stormwater Management Report and Stormwater Management Memo were reviewed by the Cataraqui Region Conservation Authority, which concluded that the proposed works to support the development were sufficient.</p>

Policy Number	Policy	Category	Consistency with the Policy
	and f. promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development		
Section 1.6.8.1	Planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.	Transportation and Infrastructure Corridors	An existing hydro corridor bisects the property. Hydro One has been circulated on the application. No development is proposed underneath the infrastructure. The proposed development is not incompatible with the existing infrastructure.
Section 1.7.1	Long term economic prosperity should be supported by: <ul style="list-style-type: none"> • 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 resources (1.7.1.e) • Providing opportunities for sustainable tourism development (1.7.1.h) • Sustaining and enhancing the viability of the agricultural system 	Long-Term Economic Prosperity	Most of the commercial tourism development is proposed to be located behind the existing heritage farmhouse, which is subject to a Heritage Easement Agreement made under the Ontario Heritage Act. Heritage Kingston, the City's heritage committee, has reviewed the submitted Heritage Impact Statement and the proposed works (as described in the easement agreement) and have confirmed that the cultural heritage value of the property will be conserved. The lands in front of the existing farmhouse will be used for agricultural purposes, which will help to preserve the rural character of the

Policy Number	Policy	Category	Consistency with the Policy
	through protecting agricultural resources, minimizing land use conflicts, providing opportunities to support local food, and maintaining and improving the agri-food network (1.7.1.i)		<p>property. The character of the property from Unity Road and the street intersection with Battersea Road will see some change with the new agriculture, accessory buildings, and expansion to the farmhouse, but its general open feel will remain. Battersea Road will see change with the addition of the event centre and parking areas, however this is not inconsistent with the existing non-residential uses at Unity Road and Battersea Road. Both the church and school have parking that is visible from the street and adjacent to residential uses. Through site plan control, multi-level landscaping will be required along this frontage and adjacent to residential uses. A large portion of the new development (cabins, hotel, spa) will be in the treed area, buffered and screened from view. The proposed development adds to and maintains the rural character of the Unity Road and Battersea Road intersection.</p> <p>The development is consistent with the requirements of MDS, protecting the existing livestock facility at 892 Unity Road by allowing it to double in size. The farm</p>

Policy Number	Policy	Category	Consistency with the Policy
			produce retail outlet will sell products grown and/or processed on site or from the local area, providing support to the existing agricultural uses. The on-site restaurants are also proposed to use produce grown on site. The winery/nano-brewery/cidery will use produce grown on site and/or from Ontario, and it will be processed and retailed directly to customers on site.
Section 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"> • Promote compact form and a structure of nodes and corridors; (1.8.1.a) • Promote design and orientation which: maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation (1.8.1.f.) 	Energy Conservation, Air Quality and Climate Change	<p>A cluster of residential, agricultural, and non-agricultural uses already exists around the intersection of Unity Road and Battersea Road. Adding additional commercial and tourism related uses expands the uses within the rural node in a compatible format.</p> <p>In accordance with the EIS, removals within the treed area for the cabins, spa, and hotel will be minimized. This will conserve vegetation, buffer the use from the adjacent residential development, and maintain the natural heritage's linkage feature.</p>
Section 2.1.1	Natural features and areas shall be protected for the long term.	Natural Heritage	An Environmental Impact Study was submitted in support of the application and has been reviewed by the CRCA. The recommendations of the

Policy Number	Policy	Category	Consistency with the Policy
			report are being included in the site specific zone regulations and any future site plan control application.
Section 2.1.2	The diversity and connectivity of natural feature in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognized linkages between and among natural heritage features and areas, surface water features and ground water features.	Natural Heritage	<p>The EIS found that the wildlife habitat present on the subject lands does not meet criteria as “significant” in accordance with the Natural Heritage Reference Manuel (NHRM). The report speaks to habitat for migratory birds on the subject lands and makes recommendations to protect migrating birds during the development of the property along with other recommended environmental best practices.</p> <p>The EIS concludes that the ecological value of the two surface water features on site is limited. CRCA staff recommend preservation of these features to allow their ecological and hydrologic function, while limited, to remain. A minimum setback of 7.5 metres from the wetland feature is included in the implementing zoning by-law.</p>
Section 2.1.5	Development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological	Natural Heritage	The study has assessed the existing woodland on the subject lands in accordance with criteria for significance laid out in the Natural Heritage Reference Manual. The only criterion that the woodland may

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	function		meet, based on a conservative approach, is the linkage function. The proposed uses in the woodland area are relatively low impact and the overall integrity of the wooded area along with the much larger contiguous woodland to the north will be maintained. Further, the development proposal will not result in the loss of the connection between the existing wooded area on the subject lands and the larger treed area to the north. The Environmental Impact Study thus demonstrates that there will be no negative impacts on this feature or its function. The EIS has been reviewed by the CRCA.
Section 2.2.1	<p>Planning authorities shall protect, improve or restore the quality and quantity of water by:</p> <ul style="list-style-type: none"> • Using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development; (2.2.1.a) • Identifying water resource systems consisting of ground water features, 	Water	The stormwater management report and addendum concluded that the design of the system meets the water quantity and quality objectives as defined by the CRCA and MECP guidelines. The system has been designed to maximize infiltration through the use of sheet draining and flat bottomed swales. Water quality objectives have been assessed, and the enhanced vegetated swales have been designed in accordance with the recommendations given in the Toronto Region

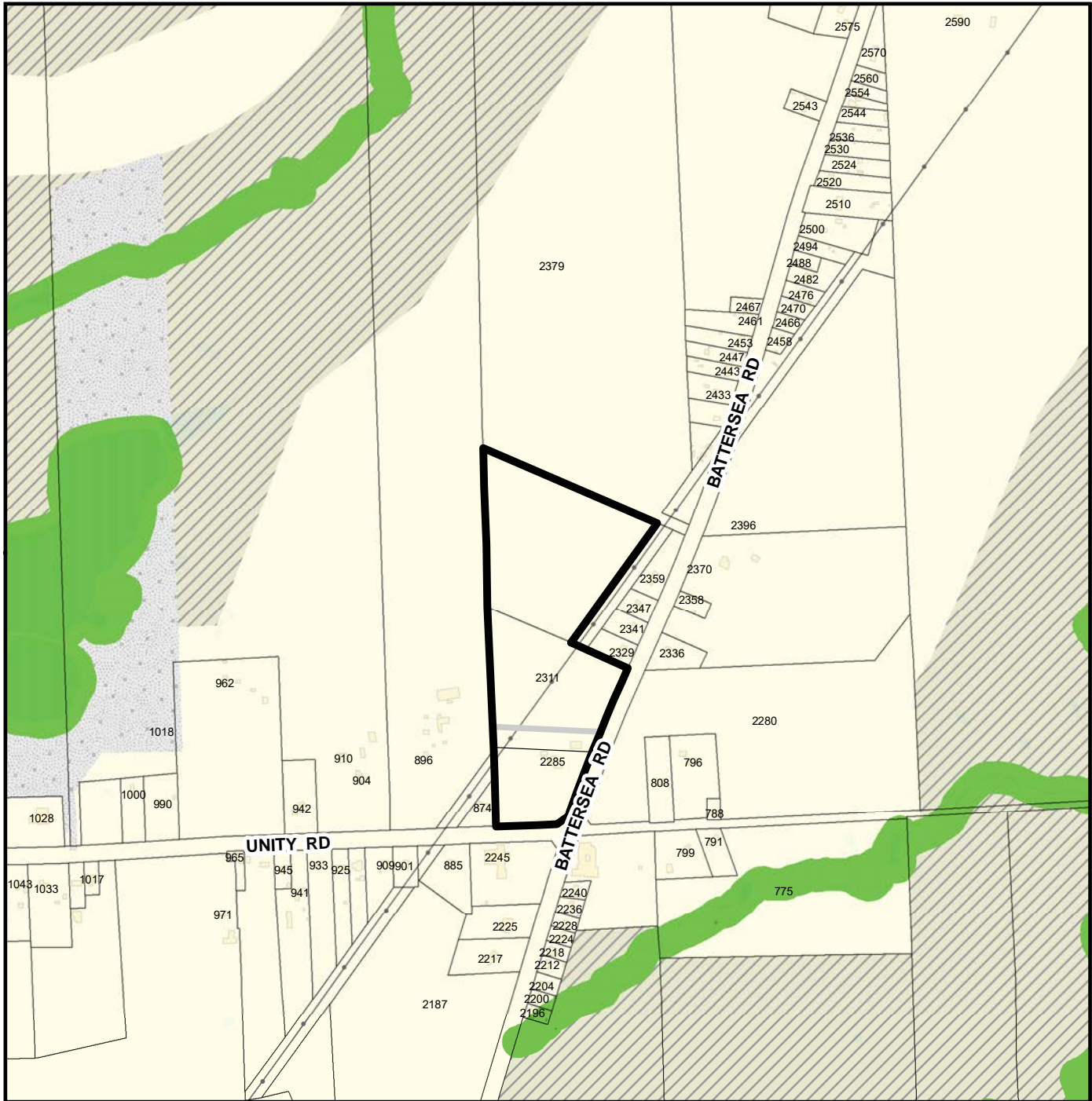
Policy Number	Policy	Category	Consistency with the Policy
	<p>hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed; (2.2.1.c)</p> <ul style="list-style-type: none"> • Maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shorelines areas; (2.2.1.e) • Implementing necessary restrictions on development and site alteration to: protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions; (2.2.1.f.2) • Planning for efficient and sustainable use of water resources, 		<p>Conservation Authority and Credit Valley Conservation 'Design Guide' for Low Impact Design.</p> <p>As reviewed in Section 2.1.2, two groundwater features are proposed to be conserved on site even though the EIS suggests that their ecological and hydrologic function are limited.</p> <p>The application proposes to utilize a water recycling system on site as part of the hydrogeological works. The function and design of the water recycling system will be reviewed by technical agencies at the time of site plan control to ensure it is effective.</p>

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	<p>through practices for water conservation and sustaining water quality; (2.2.1.g)</p> <ul style="list-style-type: none"> Ensuring stormwater management practices minimizes stormwater volumes and containment loads, and maintain or increase the extent of vegetative and pervious surfaces; (2.2.1.i) 		
Section 2.2.2	<p>Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored.</p> <p>Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions.</p>	Water	See Section 2.1.2.
Section 2.5.2.5	In known deposits of mineral aggregate resources and on adjacent lands, development and activities which would preclude or hinder the establishment of new	Mineral Aggregate Resources	A portion of the subject lands is designated as Sand and Gravel Resource Area (Tertiary), and Rural Aggregate Bedrock Reserve on Schedule 12 - Mineral and Aggregate

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	<p>operations or access to the resources shall only be permitted if:</p> <ul style="list-style-type: none"> a. resource use would not be feasible; or b. the proposed land use or development serves a greater long-term public interest; and c. issues of public health, public safety and environmental impact are addressed. 		<p>Reserve Areas on the Official Plan.</p> <p>An Aggregate Impact Assessment was prepared by Fotenn Consultants Inc. dated January 27, 2020, which assessed how the proposed development potentially impacts aggregate operations of the surrounding area.</p> <p>The report concluded that due to the presence of natural constraints and the sites location abutting residential and agricultural uses, the potential extraction area of the site could not feasibility be developed for that purpose. Overall, the combined constraints and required buffering applied to the majority of the site severely compromise the ability of the site to be developed as a mineral aggregate resource operation at any time in the near future.</p>
Section 2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	Cultural Heritage and Archaeology	The lands are subject to a Heritage Easement Agreement entered into by the applicant for the James Hickey House and significant landscape features on 2285 Battersea Road. The easement outlines the cultural heritage attributes of the property, including the limestone farmhouse, porch, stone materials, and

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			fenestration, as well as the tree lined driveway entrance, stone gate posts, mature trees surrounding the house, and the large timber frame barn. The easement agreement was reviewed by Heritage Kingston, the City's heritage committee, prior to approval. Through its review and support of the agreement, the committee confirmed that the cultural heritage value of the property would be conserved. Future alterations to the elements of the property to which the easement agreement applies will require a heritage permit.
Section 2.6.2	Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.	Cultural Heritage and Archaeology	A Stage 1 & 2 Archaeological Assessment was undertaken by a Licensed Archaeologist, and submitted to the Ministry of Culture, Tourism and Sport. The subject property has been cleared of archaeological potential. Standard City conditions related to archeology will be included in any future Site Plan Control agreement.
Section 2.6.3	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	Cultural Heritage and Archaeology	The current expansion to the farmhouse was reviewed as part of the Heritage Easement Agreement. Any future development to the area in which the easement applies will require heritage

Policy Number	Policy	Category	Consistency with the Policy
	demonstrated that the heritage attributes of the protected heritage property will be conserved.		review. See Section 2.6.1.
Section 3	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing conditions.	Protecting Public Health and Safety	The proposed development is not located near a natural or human made hazard.
Section 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	The two nearby class-B licenced aggregate pits to the west of the subject site will not have any adverse effects on the subject site. The nearer of the two sites is not operational, lacking the necessary municipal designations to operate. The second licensed pit is approximately 580 metres to the west of the subject site, exceeding the minimum recommended separation distance from sensitive uses as required by the City's Official Plan.



PLANNING COMMITTEE
OFFICIAL PLAN, Land Use

File Number: D35-003-2019
Addresses: 2285 Battersea Road, 2311
Battersea Road, and Kingston Con 6
PT Lot 33 RP; 13R-15799 Part 1

0 60 120 180 240
metres
1:10,000

LEGEND

- SUBJECT LANDS
- PRIME AGRICULTURAL AREA
- ENVIRONMENTAL PROTECTION AREA
- MINERAL RESOURCE
- RURAL
- Property Boundaries
- New Property Line



PREPARED BY: Ichu
DATE: 2019-05-13

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Demonstration of How the Proposal Conforms to the Official Plan

Policy	Category	Conformity with the Policy
<p>Section 2.1.2 - Within Rural Areas, as shown on Schedule 2, growth will be limited and the natural assets, functions, and occupations that contribute to the general sustainability of the City as a whole will be supported through:</p> <ul style="list-style-type: none"> a. the protection of groundwater sources; b. an ecosystem approach to protecting the natural heritage system; c. the protection of surface water features, including inland lakes and rivers, Lake Ontario and the St. Lawrence River; d. the extraction of mineral resources and the rehabilitation of depleted mineral mining operation sites, which must occur in a manner that is sensitive to the existing uses in the general area and in accordance with appropriate provincial legislation; e. limiting the types of permitted development to those that support and are compatible with a resource based local economy and sustainable practices; and f. promotion of agricultural opportunities, practices, and alliances that enhance agricultural employment as well as local food production, distribution, and consumption as an integral part of the local economy and the City's sustainability goals. 	City Structure – Rural Areas	<p>The application proposes a tourist commercial development in the rural area. This development proposes new uses that are compatible with and support the resource based local economy that include an indoor and outdoor spa, agriculture, winery/nano-brewery/cidery, and farm produce retail outlet. These uses require larger land areas, retail products grown or processed on site or in the general area, and are compatible with the character of the area. The hotel rooms, event centre, restaurants, and tasting room/tied house, support the uses on site and allow for occupants to stay and experience the area.</p> <p>See Section 5.A.1 for groundwater protection</p> <p>See Section 6.1.3, 6.1.4, and 6.1.5 for information on the Environmental Impact Study that was completed.</p>
2.1.4. In reviewing development	Development	The application has been

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<p>applications, the City will promote sustainability through:</p> <ul style="list-style-type: none"> a. encouragement of green building design to reduce greenhouse gases by adopting: • energy efficient construction; • renewable sources of energy for lighting and heating; • natural lighting; • design that reduces water consumption; • design which minimizes discharge into the sanitary sewers; and • design which reduces or eliminates discharge into the storm sewers through incorporating stormwater management practices including low impact design and stormwater re-use. b. design, landscaping, and streetscaping practices that promote protection from undesirable sun, wind, or other conditions and reduces the negative effects of urban summer heat; c. design, landscaping, and streetscaping practices that reduce the quantity of impermeable surfaces; d. construction and operational practices that minimize waste and maximize re-use of resources; e. practices that conserve or recycle materials, energy, or other resources; f. design which promotes a reduction of automobile trips, active transportation and transit, including secured public access to bicycle storage and parking; g. the creation of a mix of uses that support increased access to healthy foods; h. the use of materials that have been extracted or recovered locally; i. design that reduces municipal costs associated with the provision 	<p>Review</p>	<p>reviewed for its conformity to the Official Plan and all relevant policies applied.</p>

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<p>of infrastructure and municipal service delivery over the long term; j. development that generates sufficient tax revenue to pay for the increased services (e.g., solid waste collection, fire and police services, snow clearing, etc.) that the City has to provide; and, k. development that suits the demographic and/or socio-economic needs of the community.</p>		
<p>Section 2.2.14 - Rural Areas are comprised of a mix of land uses that support a diversification of the economic base, housing, and employment opportunities. These areas are comprised of lands protected for agricultural uses and agricultural-related uses, being designated Prime Agricultural Area or Rural Lands, as appropriate. Rural Areas also contain natural heritage features, many of which fall within the Environmental Protection Area and Open Space designations, as well as natural resources, designated Mineral Resource Area. The protection of the area's natural features will help to conserve biodiversity while maintaining water quality and the ecological benefits provided by nature. Lands designated Rural Commercial and Rural Industrial also support the rural economy within Rural Areas. These lands are distinct from rural settlement areas, designated Hamlets, which accommodate a mix of land uses that also support the rural community. The Estate Residential designation captures limited areas of residential land use in Rural Areas.</p>	Rural Areas	<p>The application proposes to re-designate the lands from Rural Lands to Rural Commercial in order to develop the site with a tourist commercial development that will bring new jobs and opportunities to the rural area. The development is proposed in a compatible arrangement that maintains the character of the area and meets the requirements of the minimum distance separation.</p>
<p>Section 2.3.8 - Cultural heritage resources will continue to be valued</p>	Cultural Heritage	<p>A heritage easement agreement has been entered into by the</p>

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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.		applicant for the James Hickey House and significant landscape features on 2285 Battersea Road. The Heritage Easement Agreement ensures that the identified heritage attributes on the property will be conserved.
Section 2.3.12 - The planning for the lands shown as Rural Areas on Schedule 2 of this Plan must balance the resource protection objectives for agriculture, aggregates and minerals with the environmental objectives of the natural heritage features and areas and watershed management and the social objectives of protecting rural communities and the rural way of life.	Rural Areas	An Aggregate Impact Study, Environmental Impact Study, Stormwater Management Brief, and Minimum Distance Separation Memo were submitted and reviewed. The application will not negatively impact the nearby aggregate operations. The new land uses are arranged on site in a manner that does not negatively impact the nearby agricultural operations. Disturbances to the onsite treed resources will be minimized. Removal of trees will be limited to the areas where new buildings, structures, or pathways are proposed. The stream and wetlands onsite are both being preserved and a special setback provision has been incorporated into the site specific zone. The development maintains the rural character of the area by providing increased setbacks between the new uses and existing development. Most new buildings on site will be located in the wooded area, buffered and screened from view. A new economic use and source of employment would be incorporated into the fabric of the existing rural cluster around Battersea Road and Unity Road.
Section 2.7.3 - The land use compatibility matters to be considered under Section 2.7.2	Land Use Compatibility	The area is already significantly developed with a mix of land uses that include clustered

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<p>include, but are not limited to:</p> <ul style="list-style-type: none"> a. shadowing; b. loss of privacy due to intrusive overlook; c. increased levels of light pollution, noise, odour, dust or vibration; d. increased and uncomfortable wind speed; 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; f. environmental damage or degradation; g. diminished service levels because social or physical infrastructure necessary to support a use or area are overloaded; 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; i. visual intrusion that disrupts the streetscape or buildings; j. degradation of cultural heritage resources; k. architectural incompatibility in terms of scale, style, massing and colour; or, l. the loss or impairment of significant views of cultural heritage resources and natural features and areas to residents. 		<p>residential dwellings, a school, a church, and agricultural uses. Four homes border the north end of the site on the west side of Battersea Road, with three additional homes on the east side of Battersea Road. Three new lots were also created across the street from the expanded farmhouse in 2019. There are rows of homes located on the south-east side of the intersection of Unity Road and Battersea Road south of the school, and on the south side of Unity Road, west of the church.</p> <p>The buildings proposed on site are in character and scale with the existing development in the area. Height maximums are established in the implementing zoning by-law. The scale of the development does not present any shadowing concerns or increased wind speeds. The larger setbacks in the zone create space between the new uses and existing development, while a proposed landscape buffer will add additional screening. The spacing and buffering will allow adjacent properties to continue to enjoy their own properties. Most new buildings will be in the treed area at the rear of the property, maintaining the visual aesthetic of the intersection. The maximum lot coverage is restricted to 10% which is well below what is permitted by the A2 Zone (35%) and the C3 Zone for tourist commercial uses (40%).</p>

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		<p>The traffic study and review demonstrated that there is capacity within the transportation network to accommodate additional vehicles.</p> <p>A heritage easement agreement has been registered on the title of the lands to conserve the cultural heritage asset on site and the view of the building from Unity Road. The expansion to the farm house was reviewed as part of the easement agreement. Any future changes which impact the identified heritage attributes would require a heritage permit. The layout of uses on site preserves the visual character of the site from Unity Road and Battersea Road. The site has been cleared of archaeology.</p> <p>The uses proposed for the site are compatible with the existing single detached dwellings, farms, church, and school. The site does not produce negative offsite impacts such as pollution, traffic, or noise.</p>
<p>Section 2.7.4 - 2.7.4. Mitigation measures may be used to achieve development and land use compatibility. Such measures may include one or more of the following:</p> <ul style="list-style-type: none"> a. ensuring adequate setbacks and minimum yard requirements; b. establishing appropriate transition in building heights, coverage, and massing; c. requiring fencing, walls, or 	<p>Mitigation Measures</p>	<p>The setbacks from lot lines for specific uses has been increased to ensure a compatible site arrangement. Maximum heights specific to the uses has been established. Buffering in the form of a landscape strip or privacy fence is required where the property is adjacent to a property with a single detached dwelling. The treed area at the rear of the</p>

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<p>berming to create a visual screen;</p> <p>d. designing the building in a way that minimizes adverse effects;</p> <p>e. maintaining mature vegetation and/or additional new landscaping requirements;</p> <p>f. controlling access locations, driveways, service areas and activity areas; and,</p> <p>g. regulating location, treatment and size of accessory uses and structures, lighting, parking areas, garbage storage facilities and signage.</p> <p>Planning Act tools including zoning by-law standards, site plan control, development agreements and other measures will be used to implement mitigative measures that achieve compatible land use change and development.</p>		<p>property will be maintained, screening the new uses from view.</p> <p>A site plan control application is required which will review the location and standards for items such as the entrances, walkways, lighting, drive aisles, parking lot, landscaping, and exterior building materials.</p>
<p>Section 2.7.5 - In some cases, distance separation will likely be the recommended form of mitigation, particularly:</p> <p>c. between intensive livestock operations, permanent manure storage, or resource extractive operations and sensitive uses, sensitive environmental features, or sensitive environmental functions. When identifying a required distance separation related to livestock operations, the minimum distance separation formulae will be used.</p>	Distance Separation	<p>See MDS justification section under the PPS review in the comprehensive report (Report Number PC-20-045).</p> <p>The site is subject to a minimum distance separation (MDS) setback from the adjacent barn at 896 Unity Road. The uses have been arranged on site to be in conformance with the Type A and Type B land use setbacks. A reduction is proposed that meets the intent of MDS to allow the existing barn to double in size. The application forms to the direction and intent of MDS.</p>
Section 2.7.6 - Only development proposals that meet the long-term	Functional Needs	See Section 2.7.2 for compatibility justification.

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<p>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 demonstrate to the satisfaction of the City that the functional needs of the occupants or users will be met by providing:</p> <ul style="list-style-type: none"> a. suitable scale, massing and density in relation to existing built fabric; 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; c. adequate land area and appropriate site configuration or provision for land assembly, as required; d. efficient use of municipal services, including transit; e. appropriate infill of vacant or under-utilized land; and, f. clearly defined and safe: <ul style="list-style-type: none"> • site access; pedestrian access to the building and parking spaces; • amenity areas; • building entry; and, • parking and secure and appropriate bicycle facilities. 		<p>The large amount of green space on site as well as intended amenities such as the spa, outdoor areas for hotel units, the restaurants, retail space, and tasting room / tied house provide significant amenity for the visitors to the site.</p> <p>A site plan control application is required which will review site accessibility, pedestrian and vehicular circulation, entrances and exits, parking, and other related site elements.</p>
<p>Section 2.7.8 - Issues of compatibility are critical in Rural Areas, as the long term protection of normal farm practices is a priority. This is reflected in the mutual separation of livestock operations and sensitive uses but also in addressing unique rural issues such as allowing the transport of farm</p>	<p>Land Use Compatibility in Rural Areas</p>	<p>See Section 2.7.5. The site meets the intent of the MDS setbacks and will not have a negative impact on adjacent rural land uses or normal farm practices. The site proposes to maintain some agricultural uses on site.</p>

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machinery, tillage of land, and regular livestock husbandry techniques.		
Section 2.8.5 - Stormwater runoff will be managed on site where feasible, and runoff may be required to be stored, treated and directed away from the natural heritage system. Its quantity will be required to be controlled to prevent impact on downstream areas. Stormwater connections are not permitted in areas where combined sewer infrastructure exists in the City.	Stormwater Management	As proposed in the stormwater management report, the stormwater facilities are being designed to maximize water quality and infiltration as this is within a significant groundwater recharge area.
Section 2.8.7 - Areas containing identified mineral deposits and mineral aggregate resources will be protected for their present or future use, and efforts will be taken to avoid any land use conflicts arising from mining or quarry operation.	Mineral Resource Areas	The site is within a tertiary sand and gravel resources area as identified on Schedule 12 - Mineral and Aggregate Reserve Areas in the Official Plan. An Aggregate Resources Impact Study was submitted and reviewed by the Ministry of Natural Resources and Forestry (MNRF). The proposed development will not negatively impact the existing or potential sand and aggregate resources in the area.
Section 2.9.1 - promote economic development and competitiveness by: <ul style="list-style-type: none"> a. Providing an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs; b. Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses that support a wide range of economic activities and complementary uses, and 	Economic Development Strategy	The commercial tourist development would bring additional economic opportunity to the rural area and expand the commercial amenity for residents in an area already developed with a mix of land uses. The proposed multi-use tourist commercial development is a first of its kind for Kingston and it leverages the site's location and natural heritage and cultural heritage assets to provide a complementary and compatible development that is supported by rural service levels.

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<p>takes into account the needs of existing and future businesses;</p> <ul style="list-style-type: none"> c. Planning for, protecting and preserving employment areas for current and future uses; d. Ensuring the necessary infrastructure is provided to support current and projected needs; and e. Encouraging the development of business incubators. 		
<p>Section 2.9.4 - Council will consider such matters as the following when evaluating support for proposed tourism projects:</p> <ul style="list-style-type: none"> a. the potential economic benefit and spin-off to the City; b. the potential market for, and feasibility of the project; c. benefits for local residents; d. negative effects or obligations for local residents, including the degree of public investment, maintenance or future support that may be required; e. impacts on the transportation and servicing infrastructure of the City, as well as impacts on other land uses, natural heritage features and areas, or cultural heritage resources; f. infrastructure upgrading or extensions that would be required and impact on planned public works extensions or upgrading programs; g. seasonality or weather dependency of the proposed use; h. site suitability in terms of land 	<p>Proposed Tourism Projects</p>	<p>See Section 2.9.1.</p> <p>The site would provide additional commercial amenity for local and area residents that can be supported by the City's existing transportation network. The development does not require an expansion to the City's water, wastewater, stormwater, or transportation networks. The hydrogeological study has demonstrated that the site can be supported by the private water system.</p> <p>The spa, restaurants, tasting room / tied house contain indoor and outdoor spaces, providing opportunity for year-round tourism. The event centre offers opportunities for larger groups or events to occur year-round.</p>

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<p>use compatibility, servicing impact on residents, and integration with other tourism initiatives; and,</p> <p>i. compatibility of the proposed tourism project with the UNESCO World Heritage Designation, and the neighbouring Frontenac Arch Biosphere Reserve designation for which the City has a stewardship responsibility</p>		
<p>Section 3.12.2 - Permitted uses in Rural Lands include all agricultural uses, agriculture related uses, and on-farm diversified uses as permitted in the Prime Agricultural Area designation, sports and outdoor recreation activities in accordance with Section 3.12.4, and detached dwellings in accordance with Section 3.12.10 and that are compatible with adjacent land uses. Limited non-farm growth is permitted in Rural Lands if it does not limit or interfere with agricultural use, agriculture-related uses, on-farm diversified uses or a broader range of rural uses, and if it meets the environmental objectives of this Plan.</p>	<p>Rural Lands</p>	<p>The subject lands are designated Rural on Schedule 3-A – Land Use in the City’s Official Plan. The Rural designation does permit small-scale rural commercial uses. The proposed development does not meet the criteria for small-scale rural uses.</p> <p>The application proposes to re-designate the land from Rural Lands to Rural Commercial. The Rural Commercial designation and applicable policies have been applied and reviewed.</p>
<p>Section 3.14.3 - The Rural Commercial designation is intended for larger scale commercial uses that are the primary use of the property, or that may have impacts on adjacent land uses through noise, vibration, reduction of privacy, increase in traffic, or other impact or hazard.</p>	<p>Rural Commercial Designation</p>	<p>The Rural Commercial designation is the appropriate land use category to consider for the proposed commercial tourism facility.</p>
<p>Section 3.14.3 - The Rural Commercial designation is intended to permit a variety of larger scale recreational, social and cultural uses</p>	<p>Rural Commercial – Permitted Uses</p>	<p>The proposed 13.7 hectare development is more appropriately located in the rural area rather than a Hamlet or</p>

Policy	Category	Conformity with the Policy
<p>and facilities, including golf courses, marinas, greenhouse operations, overnight accommodations, and seasonal campgrounds. Retail and office uses that are clearly an accessory use to the primary rural commercial uses are also permitted. Other types of retail and service commercial uses are intended to locate within a Hamlet or within the Urban Boundary.</p>		<p>within the Urban Boundary. The proposed uses align with the direction for large scale recreational and overnight accommodation development. Retail uses such as a farm produce retail outlet, gift shop, and sales for alcohol on site are accessory to the permitted uses. The development is proposed at a low density, with the lot coverage proposed at less than 10% of the site, which is well below what the A2 Zone and C3 Zone permit (35% and 40% respectively).</p>
<p>Section 3.14.8 - Any proposal for a new or expanded Rural Commercial designation will be assessed subject to the following considerations and provisions:</p> <ul style="list-style-type: none"> a. the location, wherever possible, must be on the least productive agricultural lands and on sites that will not hinder agricultural operations; b. a minimum lot size of one hectare must be provided, permitting adequate access, off-street parking, loading, individual on-site water services and individual on-site sewage services, setbacks, and buffering; c. the location and use must have no negative impacts on natural heritage features and areas, as proven through an environmental impact assessment, described in Section 6; d. a residential unit as an accessory use may be permitted on the same lot, provided that no severance is 	<p>Criteria for new Development – Rural Commercial</p>	<p>The lands are designated Rural Lands and not Prime Agricultural Area. The subject land and lands immediately north, east, south, and west are not designated Prime Agriculture Area. The density of residential land uses bordering the site diminishes its potential for livestock purposes as the adjacent uses would restrict where on the site a barn could be located. The treed area at the north end of the site has not recently been used for agricultural purposes and will host the majority of new land uses on site. A walkthrough of the site demonstrated shallow soil depths outside of the areas already cleared for agriculture. The proposal is consistent with the Minimum Distance Separation formulae as demonstrated through the PPS review.</p> <p>The subject lands are 13.7 hectares in size. A concept plan</p>

Policy	Category	Conformity with the Policy
<p>created and such residential use meets the minimum distance separation formulae and the Ministry of the Environment and Climate Change requirements for sensitive uses (D-6 Guideline); and</p> <p>e. a market justification study and impact assessment may be required that demonstrates to Council's satisfaction that:</p> <ul style="list-style-type: none"> • the type and size of the proposed use are warranted; • the planned function of existing or approved commercially designated sites in the Urban Boundary will not be undermined; • the proposed use cannot be accommodated on or is not suitable on existing commercially designated sites in the Urban Boundary; and • the proposal meets other criteria as deemed appropriate by the City. 		<p>was submitted that illustrated the location of uses on site including parking, loading, and agricultural uses. This plan illustrates the significant setbacks between the existing uses and proposed land uses, and how the natural landscape will buffer and screen a high proportion of uses. A hydrogeological report demonstrated that there is enough groundwater to accommodate demands. The private sewage system will be reviewed and permitted by MECP. The Stormwater Management report and plans were reviewed by the CRCA who have no concerns with the preliminary design. The implementing zoning by-law proposes setbacks larger than the typical Highway Commercial Zone to allow greater separation between the new uses and existing uses and restrictions on certain uses floor areas and on total lot coverage.</p> <p>An Environmental Impact Study was submitted and reviewed by the CRCA. The development will have minimal impact on the natural heritage of the site by minimizing removals to only areas where new buildings would go. A surface water feature and small wetland are also being protected. Setbacks to the wetland are included in the zoning by-law amendment.</p> <p>An accessory dwelling unit is a permitted use in the proposed</p>

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		<p>site specific zone. The uses proposed on site are compatible with an accessory dwelling unit.</p> <p>The proposal is for a land use that the City currently does not have. A market justification was not required to be submitted in support of the application.</p>
<p>Section 3.16.B.4 - Other land use activities, particularly sensitive uses such as residential uses, proposed to be developed within land use designations abutting a Mineral Resource Area designation on Schedule 3, must be separated from lands designated Mineral Resource Area by the following distances:</p> <ul style="list-style-type: none"> a. 300 metres from a known unconsolidated deposit (e.g., sand, gravel, clay) or a mineral aggregate pit operation; and b. 500 metres from a known bedrock deposit or a bedrock quarry operation. The protection of the Mineral Resource Area designation for long term use is a priority of this Plan. However, in approving new pits or quarries, the number and proximity of existing sensitive uses in the immediate area of the proposed new use must be considered. 	<p>Minimum Distance Separation</p>	<p>A portion of the subject lands is designated as Sand and Gravel Resource Area (Tertiary), and a portion of the subject lands is designated Rural Aggregate Bedrock Reserve on Schedule 12 - Mineral and Aggregate Reserve Areas on the Official Plan.</p> <p>Approximately 385 metres to the west of the subject site there are two Class-B Licensed Pits, approximately 25.7 hectares and 8.54 hectares in area respectively, owned by McKendry, Wm. J. and Sons Limited. While both pits are licensed by the Ministry of Natural Resources, only the larger pit is operational based on the current zoning.</p> <p>The subject lands are over 300 metres from the mineral aggregate pit operation.</p>
<p>3.16.C.4 - Areas with high potential for aggregate extraction on which a licence for extraction has not been issued are identified on Schedule 12. These areas include Aggregate Bedrock Reserve Areas and Sand and Gravel Resource Areas. Development and activities that would preclude or hinder the</p>	<p>Mineral Resource Reserve Areas</p>	<p>An Aggregate Impact Assessment was prepared by Fotenn Consultants Inc. dated January 27, 2020, which assessed how the proposed development potentially impacts aggregate operations of the surrounding area.</p>

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<p>establishment of new operations or access to the resources shall only be permitted subject to an Aggregate Impact Assessment that demonstrates that:</p> <ul style="list-style-type: none"> a. resource use would not be feasible; or b. the proposed use or development serves a greater long term public interest; and c. issues of public health, safety and environmental impact are addressed. 		<p>The report concluded that the combined constraints (wetland and wooded area, cultural heritage features, frontage, and adjacent to residential and agricultural uses) and required buffering apply to the majority of the site and severely compromise the ability of the site to be developed as a mineral aggregate resource operation.</p> <p>Ministry of Natural Resources and Forestry reviewed the report and indicated they were satisfied with the response.</p>
<p>Section 4.1.1 - New development will proceed only if the City is satisfied that adequate services, roads, and utilities are available, or can be made available, to serve the proposal adequately. In determining the adequacy of servicing, utility systems, or the transportation system, the City will consider not only the proposal, but also the potential for development that exists in the same service area.</p>	<p>General Policies, New Development</p>	<p>The applicants have submitted all the technical studies required to evaluate the development. Documents have been reviewed by the appropriate agencies and all technical requirements have been met.</p>
<p>Section 4.2.10 - . Permitted development beyond the Urban Boundary and outside the Future Development Areas may generally proceed by means of individual on-site water and sewage services subject to Section 4.4 of this Plan.</p>	<p>Municipal Services Beyond Urban Boundary</p>	<p>The development is proposed on private water and wastewater services.</p>
<p>Section 4.3.1 – 4.3.4.1- Stormwater management techniques must be used in the design and construction of all new development to control both the quantity and quality of stormwater runoff. The degree of control will depend on the conditions in the downstream receiving water</p>	<p>Stormwater Management</p>	<p>A stormwater management report has been submitted and reviewed by the CRCA. The proposed design of the system considers both water quality and quantity. The CRCA has indicated they are satisfied with the proposed design of the</p>

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bodies. This is to minimize the negative impacts of development on the downstream receiving water bodies, the aquatic environment, and fish habitat.		system.
<p>Section 4.4.3 - The City may request that a hydrogeological study be undertaken in any location and will provide guidance on the scope of the study. The hydrogeological study must be submitted to the City for approval and must satisfy provincial regulations, guidelines and municipal policies, as amended. Where a property has been identified with more than one level of constraint due to groundwater sensitivity, the more stringent level must apply.</p>	Individual On-site Services	<p>A hydrogeological study and terrain analysis was submitted in support of the development.</p> <p>The peer review was able to conclude that considering the work undertaken to date, including responses to the Peer Review comments and proposed implementation of a monitoring program, the hydrogeological work completed by the proponent's consultant team has satisfactorily evaluated groundwater quantity, quality, and interference to existing or future neighbours.</p> <p>The proponent's consultant has reasonably addressed the City's Peer Review comments. The analyses completed to date by ASC indicate that the hydrogeologic conditions are suitable for the proposed development as outlined in ASC's January 27, 2020, letter.</p> <p>The proponent's consultant has reasonably assessed the site, supported their conclusions, and provided suitable recommendations for the proposed development.</p> <p>A groundwater monitoring program is proposed for the duration of construction, and for a period of two years once the development is fully built out.</p>

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Section 4.6.11 - The City may require the proponent of any development to prepare a traffic impact analysis or a transportation study to the satisfaction of the City to address the requirements of Sections 4.6.1 through 4.6.10, and to assess the influence of development on active transportation movement, vehicular flows and traffic volumes, and transportation demand management. Any such analyses will assess the impact of the proposal on the roadways and, if needed, will recommend improvements necessary to accommodate the proposal, to discourage excessive through traffic, provide traffic calming measures, and maintain satisfactory service levels for all modes of transportation on public streets. The City may determine that such analyses may be subject to a peer review at the cost of the proponent. In addition, the Ministry of Transportation may require a property owner and/or the City to undertake, at their cost, a traffic impact analysis and subsequently the design and construction of warranted highway improvements related to a proposed development, as a requirement for the issuance of Ministry permits.	Transportation Impact Study Requirements	The Traffic Impact Study and addendum was reviewed by the City's Transportation Services who have concluded that there is indeed more than adequate capacity on Battersea Road to accommodate traffic associated with the proposed spa.
Section 5 - To manage natural and human-made hazards in a manner that protects human life and health, avoids adverse effects on living areas and sensitive uses, and avoids, minimizes or buffers sources of pollution so that the quality of life in Kingston will be improved and sustained over the long term.	Protection of Health and Safety	The subject lands are not adjacent to natural or human made hazards.

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<p>5.A.1. Under the Clean Water Act, 2006, a vulnerable area is defined as a wellhead protection area, an intake protection zone, a significant groundwater recharge area or a highly vulnerable aquifer. Wellhead protection areas (WHPAs) and intake protection zones (IPZs) for municipal water sources are shown on Schedule 11-B and include the Cana Wellhead Protection Area, the Fairfield Intake Protection Zone, the Point Pleasant Intake Protection Zone, and the King Street (formerly Kingston Central) Intake Protection Zone. Areas of vulnerability including Highly Vulnerable Aquifers (HVAs) and Significant Groundwater Recharge Areas (SGRAs) are shown on Schedule 11-B. Particular activities that have the potential to contaminate sources of drinking water are called “drinking water threats”. The zoning by-law shall prohibit or restrict land uses that constitute drinking water threats, as applicable in vulnerable areas.</p>	<p>Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas</p>	<p>The subject property is located within an area identified as a Highly Vulnerable Aquifer (HVA) and Significant Groundwater Recharge Area (SGRA) as shown on Schedule 11B of the Official Plan. It is important to note that this is not uncommon, as nearly 90 percent of the entire Cataraqui Region is considered to be within an HVA or SGRA due to underlying soils and geology (e.g. fractured limestone).</p> <p>As mandated by the <i>Clean Water Act</i>, 2006, the Cataraqui Source Protection Plan identifies specific activities that are considered to be drinking water threats within an HVA and SGRA. Certain activities such as the handling or storage of large quantities of dense non-aqueous-phase liquids, organic solvents, commercial fertilizer, pesticide, liquid fuel, etc. are considered a potential risk within an HVA and/or SGRA.</p> <p>The proposed stormwater configuration has been designed to encourage a lot level sheet flow drainage pattern for runoff across pervious areas prior to entering the stormwater conveyance system, thereby optimizing the potential for infiltration. Also, the proposed swales have been designed as wide, flat-bottomed enhanced vegetated swales, further encouraging infiltration for low-intensity storms. Water quality objectives have been</p>

Policy	Category	Conformity with the Policy
		<p>assessed, and the enhanced vegetated swales have been designed in accordance with the recommendations given in the Toronto Region Conservation Authority / Credit Valley Conservation 'Design Guide' for Low Impact Development design.</p> <p>The zoning for the site limits the uses to those proposed. The CRCA has reviewed proposal, EIS, and Stormwater Management Report and they have no objections at this time with the proposed zoning by-law amendment based on our consideration of natural hazards, natural heritage and water quality protection policies.</p>
<p>Section 5.3 - Development proposals whose functional characteristics and environmental impacts are not consistent with environmental standards or objectives of the City, senior levels of government or the Cataraqui Region Conservation Authority, and which cannot be made to conform with generally accepted engineering or design standards or practices, will be refused.</p>	<p>Development Must Meet Standards – Protection of Health and Safety</p>	<p>The Environmental Impact Statement (EIS) was completed by Ecological Services and reviewed by the CRCA.</p> <p>A Hydrogeological Study and peer review were undertaken for the site's private water service. The peer review concluded the works satisfied the technical requirements. The private wastewater system will be reviewed and permitted by MECP.</p> <p>All other technical requirements for traffic, archaeological, heritage, and planning have been satisfied.</p>
<p>5.25. Any development application that proposes a sensitive use within 500 metres of the Highway 401 right-of-way, or within 100 metres of an arterial or major collector road</p>	<p>Road Noise</p>	<p>A Noise Impact Feasibility Report was conducted by J.E. Coulter Associated Limited dated March 7, 2019, and an addendum to the noise report</p>

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<p>allowance or a future transit right-of-way, requires a detailed noise study to the satisfaction of the City. The study must be conducted by a qualified person in accordance with Ministry of the Environment and Climate Change guidelines, address all sources of noise affecting the site, and include recommendations for mitigation to meet the applicable noise criteria</p>		<p>was submitted dated February 5, 2020 that reviewed the proposed changes to the site layout.</p> <p>The reports were reviewed by the City's Engineering Division and concluded that there are no concerns with the feasibility report for the Official Plan amendment and Zoning By-law amendment. A detailed noise study will be required at the time of site plan control.</p>
<p>5.26. Any use, including industrial, commercial, institutional or high density residential, proposed to generate a stationary source of noise or vibration may be required to undertake a detailed noise and/or vibration study, to the satisfaction of the City. The study must be conducted by a qualified person in accordance with Ministry of the Environment and Climate Change guidelines, address all sources of noise and vibration, include recommendations for mitigation to meet the applicable criteria, and ensure that there is no adverse effect on an existing or planned sensitive use.</p>	<p>Noise from Stationary Sources</p>	<p>See Section 5.25.</p> <p>The report determined that the two venue buildings and outdoor venue area require additional noise control measures to ensure compliance with the MECP's NPC-300 noise guideline. In order to meet MECP's NPC-300 noise criteria and the City of Kingston Noise Bylaw (2004-53) the report recommended several mitigation measures that will be included in the site plan control agreement. A detailed noise report will be required at the time of site plan control.</p>
<p>Section 6.1.3 - Areas identified as Natural Heritage "B" on Schedule 8 will be treated as an overlay to land use designations on Schedule 3 and the land use designations of the secondary plans in Section 10. In these areas, development and site alteration will not be permitted unless it has been demonstrated that there will be no negative impacts on the natural heritage features or areas or ecological functions. Natural Heritage "B"</p>	<p>Natural Heritage "B" Features and Areas</p>	<p>The subject lands are designated Natural Heritage Area 'B' on Schedule 8-B in the Official Plan. The Official Plan indicates that development and site alteration will not be permitted in areas identified as Natural Heritage 'B' unless it has been demonstrated that there will be no negative impacts on the natural heritage features or areas or ecological functions. The study has</p>

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<p>features include:</p> <ul style="list-style-type: none"> • significant woodlands; • significant valleylands; • significant wildlife habitat; • unevaluated wetlands and coastal wetlands; and • linkages and corridors. 		<p>assessed the existing woodland on the subject lands in accordance with criteria for significance laid out in the Natural Heritage Reference Manual.</p> <p>The only criterion that the woodland may meet, based on a conservative approach, is the linkage function. However, the report concludes that the development has been designed specifically to minimize woodland disturbance and the resulting tree loss from the proposed cabins and roadways on the northern lot will be minimal. The proposed uses in the woodland area are relatively low impact and the overall integrity of the wooded area along with the much larger contiguous woodland to the north will be maintained. Further, the development proposal will not result in the loss of the connection between the existing wooded area on the subject lands and the larger treed to the north.</p> <p>The CRCA concluded that they are satisfied with the finding of the EIS as it relates to significant woodlands – that the development will have no negative impact on significant woodlands and adjacent lands.</p>
<p>Section 6.1.4. Development and site alteration will not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.</p>	<p>Species at Risk</p>	<p>The EIS found that the wildlife habitat present on the subject lands does not meet criteria as “significant” in accordance with the Natural Heritage Reference Manual (NHRM).</p>

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		<p>Butternut trees were found within the site boundary. Specifically, three butternut specimens were identified just in from the tree line that separates the open field from the wooded area. The environmental consultant has provided necessary information to ensure compliance with applicable species at risk legislation (SARA, ESA). The report states that the development has been configured so that a minimum 30 m buffer around these trees will be maintained.</p> <p>Recommendations have been included in the zoning by-law amendment and will be reflected in any site plan control agreement registered on the title of the lands. A tree permit is required.</p>
<p>Section 6.1.5. Development and site alteration will not be permitted in fish habitat or habitat of aquatic species at risk, except in accordance with provincial and federal requirements. Development and site alteration will not be permitted adjacent to the habitat of aquatic species at risk unless an environmental impact assessment demonstrates that there will be no negative impacts on natural heritage features and areas or ecological functions, and that Species At Risk Act (SARA) and Endangered Species Act (ESA) provisions have been addressed. The environmental impact assessment must be completed in consultation with Fisheries and Oceans Canada. They will also</p>	<p>Species at Risk</p>	<p>Endangered fish habitat or aquatic species at risk found on site.</p>

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provide guidance on how projects must be carried out to remain in compliance with the SARA (i.e., by modifying the project to avoid impact, development of appropriate mitigation, or acquiring a SARA permit to carry out the activities). The Ministry of Natural Resources and Forestry will provide guidance on how projects must be carried out to remain in compliance with the ESA.		
Section 6.2.D.1. Geothermal energy systems may be used for the production of thermal energy (heat), for cooling by transferring heat to the earth or for the production of electricity, and where such systems are intended to produce heat exclusively, these systems may be treated separately through the policies of this Plan and the implementing zoning by-law.	Geothermal Energy Systems	The original application contained a consideration for a geothermal energy system. This system is no longer proposed as part of this plan and the applicant may revisit these considerations later.
Section 6.2.D.2. The installation or operation of a geothermal energy system is permitted in Institutional, Regional Commercial, Arterial Commercial, District Commercial, Business Park Industrial, General Industrial, Waste Management Industrial, Rural Commercial, Rural Industrial, Rural Lands and Prime Agricultural Area, as shown on Schedule 3 of this Plan.	Geothermal Energy Systems	The development is proposed in a Rural Commercial designation, therefore a geothermal energy system would be permitted, subject to any technical requirements.
Section 7.1.7. The City may require that a heritage impact statement be prepared by a qualified person to the satisfaction of the City for any development proposal, including a secondary plan, which has the potential to impact a built heritage resource. The scope of the heritage impact statement is determined in consultation with the City and must include information and assessment	Heritage Impact Statement	A heritage easement agreement made under the Ontario Heritage Act has been registered on the title of the lands to conserve the cultural heritage asset on site and the view of the building from Unity Road. This heritage easement agreement was reviewed and supported by Heritage Kingston. A heritage impact assessment

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<p>relevant to the circumstances, including alternative development approaches or mitigation measures to address any impact to the built heritage resource and its heritage attributes. A heritage impact statement may be required where construction, alteration, demolition, or addition to a property located within a heritage conservation district or heritage area is proposed. The City may also require a heritage impact statement for any requests to de-designate a protected heritage property; such statements must include an assessment of the current cultural heritage value of the property and any impacts that de-designating the property will have on the cultural heritage value of the area.</p>		<p>was submitted in support of the application and has been reviewed by heritage staff.</p> <p>The expansion to the farm house was reviewed as part of the easement agreement. Any future changes that would affect the property's identified heritage attributes would require a heritage permit. The layout of uses on site preserves the visual character of the site from Unity Road and Battersea Road. The site has been cleared of archaeology.</p>
<p>Section 7.1.10 - 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> <p>i. using heritage easements as a means to protect significant built heritage resources, where appropriate.</p>	<p>Conservation of Built Heritage Resources</p>	<p>See Section 7.1.7.</p>
<p>Section 7.4.10. Upon receiving information that lands proposed for development may include archaeological resources or constitute an area of archaeological potential, Council will not take any action to approve the development,</p>	<p>Archaeology – Required Studies</p>	<p>The site has been cleared of archaeological potential.</p>

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<p>and the owner of such land will be requested to have studies carried out at the owner's expense by qualified persons in accordance with the Province's Standards and Guidelines for Consultant Archaeologists, as amended from time to time, and provide a copy of any correspondence from the Ministry of Tourism, Culture and Sport for any completed studies.</p>		
<p>Section 8.4. Through the review of development proposals, construction of public works, or the preparation and approval of area plans, the City will promote the provision of barrier-free access and safety by: a. providing for age-friendly needs and the requirements of people with disabilities, and others requiring access supports through improved amenities such as parking, benches, and washrooms, clear signage, visual or auditory indicators, and other means as appropriate; b. improving public security through enhanced lighting, visibility of public areas, provision of entrance locations in well-traveled areas, and ease of access for emergency personnel or vehicles; c. clearly defining building entrances and avoiding designs that would create areas that are hidden from public view and thus potentially available for criminal activity; d. arranging public uses and amenities within a convenient walking distance; e. providing adequate walkway widths, visually permeable materials and structures, and landscaping elements that do not obstruct sightlines in the design of streetscapes, transportation facilities, or public buildings and</p>	<p>Urban Design – Accessibility and Safety</p>	<p>The design of accessibility features, entrances, lighting, signage, building entrances, and arrangement of uses will be reviewed through a future site plan control application. The site plan control application will be circulated to the City's Municipal Accessibility Advisory Committee for review.</p>

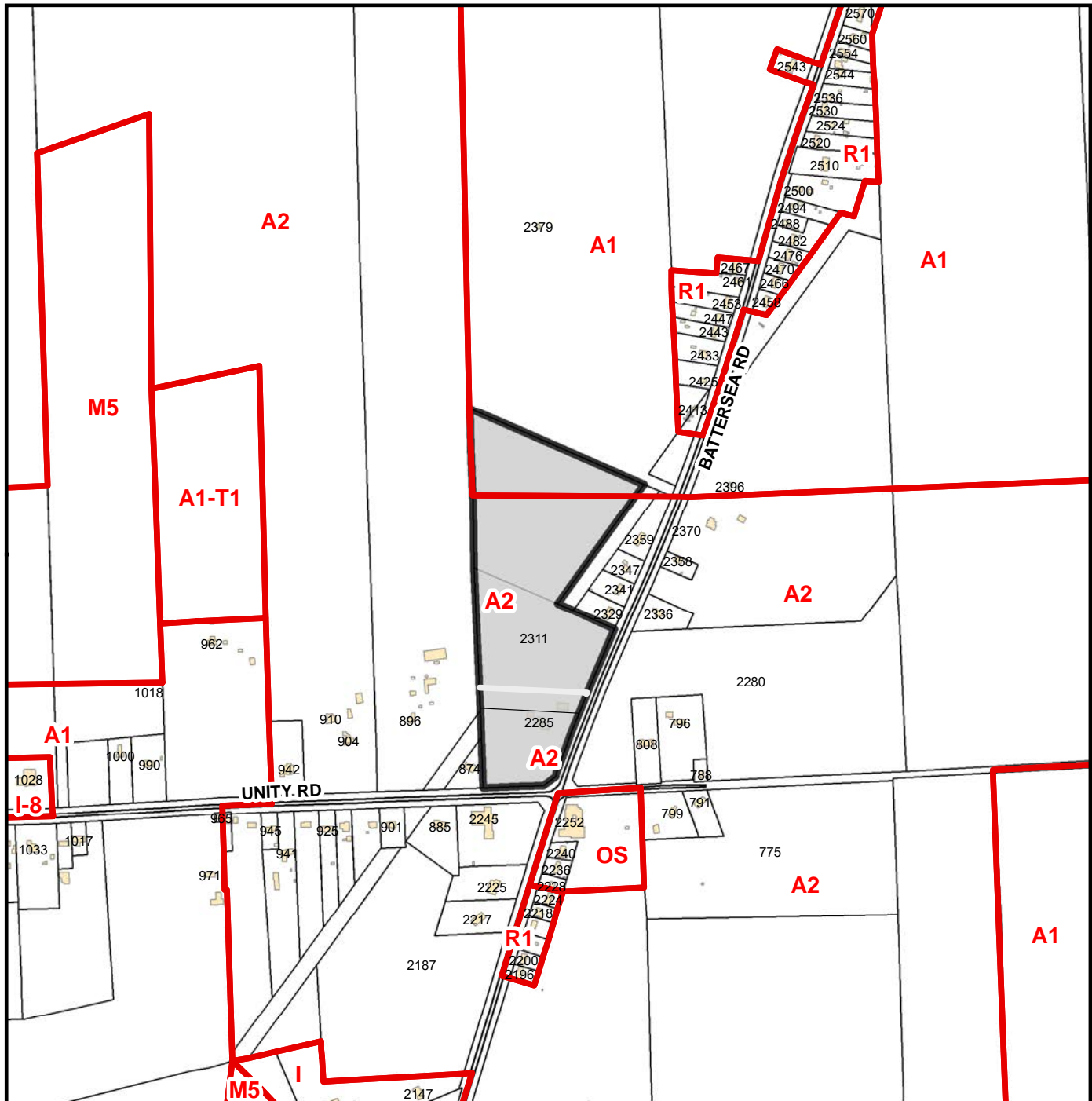
Policy	Category	Conformity with the Policy
places; and, f. promoting safe environments by applying Crime Prevention Through Environmental Design (CPTED) concepts and principles in the design of buildings, site layout and landscaping of development sites		
<p>Section 8.6 - 8.6. The City requires the design of new development to be visually compatible with surrounding neighbourhoods and areas of cultural heritage value or interest through its site plan control review, preparation of zoning standards, and urban design guidelines, as appropriate, that address the following:</p> <ul style="list-style-type: none"> a. siting, scale and design of new development in relation to the characteristics of the surrounding neighbourhood or the significant cultural heritage resources including, scale, massing, setbacks, access, landscaped treatment, building materials, exterior design elements or features; b. protecting natural heritage features and areas and cultural heritage landscapes through the siting, design and review of new development; c. promoting innovation in building design to create an interesting and varied built environment, to increase sustainability by improving energy efficiency, and to deliver barrier-free accessibility; d. achieving compatibility in land use and with a predominant architectural style, street pattern or site arrangement 	Urban Design – New Development	<p>See Section 2.7.3.</p> <p>See Section 6.1.3, 6.1.4, 6.1.5</p> <p>See Section 7.1.7</p> <p>More detailed design will be further reviewed through the subsequent site plan control application.</p>

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<p>where that style or arrangement forms a valuable component of the existing neighbourhood or the cultural heritage value or interest of the identified area. Section 2.7 provides additional policy in this regard; and,</p> <p>e. encourage spaces, services and facilities that highlight arts and culture in a manner that generates and sustains cultural vitality.</p>		
<p>Section 9.3.2. Every application for amendment to this Plan will be evaluated on the basis of the following general considerations and any others that are pertinent to the particular application:</p> <ul style="list-style-type: none"> a. the conformity of the proposed amendment to the general intent and philosophy of this Plan, particularly the vision and planning principles, including sustainability, stability and compatibility outlined in Section 2, and consistency with provincial policy; b. the availability and suitability of land already designated for the proposed use, and the need for (or market feasibility of) the proposed use; c. the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses, including cultural heritage resources and natural heritage features and areas; d. the potential of the proposal to cause instability within an area intended to remain 	<p>Official Plan Amendments</p>	<p>Consistency with the PPS and conformity to the Official Plan have been reviewed through the submitted Planning Rationale and Addendum, MDS Study, and the technical review comments.</p> <p>The subject application conforms to the policies of this plan by proposing an appropriate designation for the rural tourist commercial use, by satisfying all technical requirements, and demonstrating compatibility with the existing rural character, agricultural uses, natural heritage, and existing aggregate uses.</p> <p>Lands are not pre-designated Rural Commercial in the rural area, and each proposal for such a use is considered by way of amendment to the Official Plan. The proposed use is a first of its kind for Kingston.</p> <p>The site is adjacent to clusters of residential homes, agricultural</p>

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<p>stable;</p> <p>e. the ability of the City's infrastructure to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure improvements in other areas of the City;</p> <p>f. the financial implications (both costs and revenues) to the City;</p> <p>g. the degree to which approval of the amendment would establish an undesirable precedent; and, h. consistency with the Provincial Policy Statement and provincial legislation and guidelines.</p>		<p>uses, and two institutional uses. The site maintains views of the main farmhouse building and separates new uses from existing uses through increased setbacks, buffering, and screening new uses by locating them behind or inside existing vegetated areas. The EIS has demonstrated that the development of the site will minimize its disruptions on the natural environment.</p> <p>Private water and wastewater services support the development. The existing transportation network has adequate capacity to support the development. There will be no extension of municipal infrastructure, transportation networks, or accompanying service levels.</p> <p>The application proposes a re-designation of the lands to recognize the scale of the proposal in the appropriate land use designation through a process that is outlined in the Official Plan. Rural commercial uses and tourist commercial uses are directed by the PPS and this Official Plan to rural lands where they can be supported by rural service levels, be compatible with existing development, and not hinder agricultural operations. The application has demonstrated through the technical studies that the use can be supported by rural service levels, that it is</p>

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		<p>compatible with existing development, and that the approval meets the provincial direction for separating new land uses from existing livestock operations. The development does not propose to overdevelop the site. The zone provisions proposed increase setbacks, zones areas for specific uses, place height maximums, require landscape buffers, maximum gross floor areas for specific uses, and reduces the lot coverage of the C3 Zone to reflect the intended use and scale of the site.</p> <p>The proposal does not represent an undesirable precedence as the applicants have met all technical requirements, demonstrated compatibility, and have met the tests for good land use planning.</p>
<p>Section 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> <ul style="list-style-type: none"> a. conformity of the proposal with the intent of the Official Plan policies and schedules; 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; c. compatibility of proposed buildings or structures with existing buildings and 	<p>Zoning By-law Amendments</p>	<p>See Section 9.3.2</p>

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<p>structures, with zoning standards of 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>		



PLANNING COMMITTEE ZONING BY-LAW 76-26, Map 1

File Number: D35-003-2019
Addresses: 2285 Battersea Road, 2311
Battersea Road, and Kingston Con 6
PT Lot 33 RP; 13R-15799 Part 1

0 60 120 180 240
Metres
1:10,000

LEGEND

- Consolidated Zoning
- Subject Lands
- Property Boundaries
- New Property Line



Bar,James

From: Allie Twort <[REDACTED]>
Sent: Friday, June 14, 2019 4:12 PM
To: Sands, Jason
Subject: Unity Spa

I would like you to know that I am 13 years old and I live by where the spa is hopefully going to be. I want you to know that I am happy that something good is being done on the property. It made me sad to go by all the time and see a beautiful place rotting away and not being used. I am also happy that there is going to be a beautiful building and lots of things growing. Maybe I could even get a job there in a couple years!

I hope all the older people in my neighbourhood stop being so mean to the younger people who want the spa. They already proved that water will not be an issue so they need to stop trying to find other reasons to try to stop this project. They should be really happy that there isn't going to be a gas station or a coffee drive thru on the corner!!!

I have gone to two meetings including the one at City Hall. Right now I am embarrassed to say I live in Glenburnie because of all the negative comments over and over and over.

One man even tried to talk about the bad effect it would have on school children. What????? I would like to say that he shouldn't speak for us.

The people who don't want the spa are all older. Please listen to my voice because I will be around a lot longer to enjoy the spa.

I understand that change is hard for older people but this will be a good change!

Allie Twort
Sent from my iPhone
At Allie's Acres

Bar,James

From: diana senis [REDACTED]
Sent: Thursday, June 06, 2019 9:24 PM
To: Bar,James
Subject: Spa

Hello mr Bar,

My name is Diana Boboti Senis and I am the coordinator of the esthetician program at St. Lawrence College. Unfortunately I could not attend tonight's meeting. For that reason I would like to voice my opinion of the importance for the Unity rd project.

A spa of that calibre not only is going to help Kingston's economy but it would also be a great asset for our students. It will provide them with the opportunity to gain valuable experience from such an upscale spa during their field placement. It will also create employment opportunities for our graduates.

Thank you so much for your time.

Diana B Senis
Esthetics coordinator
St. Lawrence College

Sent from my iPhone

Bar,James

From: Agnew,Paige
Sent: Monday, June 10, 2019 3:52 PM
To: Kim Moore
Cc: Oosterhof,Gary; Bar,James
Subject: RE: support of Unity Spa

Hi Kim,

Thank you for your message. I am copying James Bar the Senior Planner overseeing this file to ensure this email is added to the official correspondence.

Best regards,
Paige

From: Kim Moore [REDACTED]
Sent: June 10, 2019 2:35 PM
To: Agnew,Paige
Cc: Oosterhof,Gary
Subject: support of Unity Spa

Good afternoon Page,

I live at 1281 Unity Road in Glenburnie which is about 2km away from the proposed spa. I was at the public planning meeting last week and was discouraged at my neighbours complaints. I will admit I stayed only for the councillors' questions then for the first three public questions. I felt that the second gentleman that spoke brought up a very good point about the traffic study and need for a traffic light at the intersection of Unity Road and Battersea Road. I do recognize that this may increase the traffic on Unity Road but have accepted that. The other two property owners that I heard speak had several concerns that I felt Ben Pilon addressed and I felt were resolved. I find this business proposition to be well thought out and would be a great addition to our area. I work at Queen's University and am always looking at different venues for corporate retreats, this would be a fantastic option.

When I originally heard about the development, I was immediately concerned about water and what it would do to the surrounding wells. After I heard about the conservation plans for water built into the spa, three additional wells drilled to a depth further down the water table with efforts to reduce the likelihood of drawing water from the same veins as surrounding homes and that another study would be done once real use data comes in I was satisfied. It also seems that if the land would be used for pure agriculture, as it is currently zoned, they would be able to draw a much higher quantity of water than the spa is proposing.

My other concern was the 40 cabins to be built on the property, but the size, design and orientation of the cabins have relieved that concern. It is encouraging that only a few cabins will be built at first and the remaining 25 cabins built in the last phase. With the mountain bike club so close to this property, this will be a fantastic draw to people looking for a weekend getaway, it has many elements that mountain bikers look for from private cottage to massage to local beer! This builder has some other fantastic businesses in Kingston, yes, he does want to make money with his businesses but I feel he is also giving to the community. I feel lucky that he has chosen our neighbourhood to build this fantastic business. There are many other businesses or agriculture activities that I would not want to see there such as a poultry/rabbit abattoir that has been proposed in Frontenac County.

I FULLY support this project and hope to see this business in my neighbourhood. This is a good example of supporting other local business to promote farm to table and applaud the business owner in his efforts to make the spa sustainable. Please do not hesitate to contact me with any questions or if I can do more to support this business.

Sincerely,
Kim Moore

1281 Unity Road, Glenburnie ON



Bar,James

From: Linda O'Neill [REDACTED]
Sent: Wednesday, June 05, 2019 1:34 PM
To: Mayor of Kingston; Neill,Jim; McLaren,Jeff; Holland,Mary Rita; Sands, Jason; Kiley,Robert; Doherty,Bridget; Hill,Wayne; Osanic,Lisa; GARY OOSTERHOF
Subject: BPE - Application for Rezoning -Batterson

Dear Mr. Mayor and Councillors,

I and my husband, residents of 2470 Battersea Road, are writing a third letter to object to the BPE Battersea Road project. We are asking that you vote against the rezoning of this property.

We live one kilometre north of the BPE site and we fear that if this project is allowed to proceed, our well water will be affected. We know the water table in our area is fragile and that we fear that the copious amounts of water that this large development will require will:

- threaten our water supply now or in years to come
- cost us thousands in having to drill deeper for good water
- devalue our homes because of water issues.

There are many other issues arising from the planned development of this event venue such as the traffic, alcohol,noise, late night parties and the potential for other inappropriate commercial developments, but our main concern is the threat to the local water supply.

We believe it is council's *responsibility* to protect our neighbourhood.

We hope that council will be forward thinking when considering this development. We urge you to disallow the application for rezoning.

Sincerely,

Linda and Jeff O'Neill

2134 Battersea Road
Glenburnie, Ont
K0H 1S0

Dear James Thompson.

Our family continues to be opposed to the rezoning of the property at 2285 Battersea Road from agricultural to commercial.

There have been very dramatic changes to the landscape of the above mentioned property. The damaging activity that has taken place has consisted of but not limited to drilling, blasting, excavating, rock-crushing, constructing roads and tree removal. This activity would surely have altered the movement of water in the aquifer of all surrounding properties. It is difficult to think otherwise.

We are concerned about the unknowns in the future — water, noise traffic and primarily the protection of agricultural land.

Farming is alive and well!
(2 dairy farms, 3 beef operations,
5 horse boarding facilities
within a 2 1/2 km. radius)

We need to respect and protect
the property for the purposes
of agriculture not commercial.

The rezoning would radically
alter the rural agricultural
community and would not
maintain the unique character
of this area.

The proposed development is
definitely not compatible with
the surrounding rural landscape.

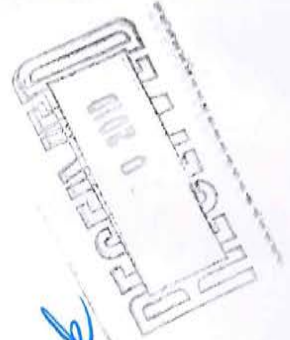
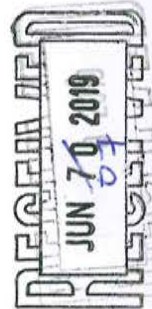
Surely it must be the mandate
of the elected council members
to preserve any and all lands
for agricultural use and
not commercial.

Yours truly
Linda Williams

June 6, 2019

James Thompson
Planning Committee Clerk

Clerk office
216 Ontario St



Bar,James

From: Agnew,Paige
Sent: Tuesday, June 11, 2019 9:46 AM
To: Bar,James
Subject: FW: Unity farm Inn and spa project

-----Original Message-----

From: Roisin Beck [REDACTED]
Sent: June 8, 2019 10:10 AM
To: Agnew,Paige
Cc: Oosterhof,Gary; Neill,Jim
Subject: Unity farm Inn and spa project

Hello,

I'm writing to express my enthusiastic support for the proposed Unity Farm Inn and spa project by BPE development. I attended the meeting on Thursday evening and was very impressed with Mr Pilon's vision for the property and the greater community. I was disappointed to hear there is so much opposition to the project in the immediate neighbourhood.

I believe that Mr Pilon's plan for the 37 acres would be a wonderfully enriching addition to Glenburnie and to the greater Kingston area. The property is ideally suited for this project, with the historic farmhouse and mix of fields and forest. I think his request for a zoning change is completely reasonable. Far from spoiling the character of the community, I think it is a very desirable option for the development of this prime property. The reality is that Glenburnie is barely 7 minutes from the 401. To expect it to remain unchanged is frankly not a reasonable position. A property like this could easily be slated for subdividing for residential development. While I have nothing against private homes, this project would bring a much more community focused element to the property. Mr Pilon seems committed to working with local people and local companies, using Shoalts a Zaback architects, Sangers Shotcrete for landscaping (a Glenburnie business) as well as his vision for farm to table food in the restaurant. He is clearly interested in supporting the local economy with jobs and partnership opportunities. This sort of business plan is exactly the sort of approach that makes Kingston a vibrant thriving local scene, and I think that this is something that should be embraced and supported. It would have been very easy for a outside developer to come in without any regard for the local community or interest in forging local partnerships.

I understand that there are concerns from local residents about water and noise. Mr Pilon seems to have gone to great lengths to address the water concerns. His efforts to focus on sustainable water systems really does a commitment to going above and beyond from an environmental standpoint. As I understand it, he would be drawing only a fraction of what would be allowed for agriculture, which is currently permitted. As far as fears it is a "wedding venue by another name" I think those are overstated. I think of comparable businesses, whether a Scandinaave style spa like you find at ski resorts or a boutique hotel and spa like the Wakefield Mill, the atmosphere at these sorts of

destinations is always quiet and peaceful. I know construction noise is bothersome, but it is temporary and I don't think it should be causing anyone to dismiss the project out of hand.

I could go on. I think it's a wonderful project, and I think of all the development options that could have been proposed, this goes above and beyond my expectations for truly enriching the community, and it would be unique for Kingston and the area. I hope that the City will recognize the wonderful opportunity this project presents and will allow for the zoning change so it can move forward.

Sincerely,

Roisin Beck

177 Pine St, Kingston

[REDACTED]

Get Outlook for Android [REDACTED]

Bar,James

From: Ted Holmes [REDACTED]
Sent: Friday, June 07, 2019 6:47 AM
To: Bar,James
Subject: city hall meeting evening of June 06 2019

Mr. James Bar

I attended and spoke briefly at the end of the meeting.

I had this prepared but decided not to read because of time and too nervous to present

Re: the bpe development project

My name is Ted Holmes I live on 2453 Battersea Rd.

I admired the farm house and property since I moved here in 2008.

It is a pleasure to see what would have been a mixed family farm come to life. This farm house and barn and out building may have turned into a decrepit ruin Now the farm will be a beautiful setting that will serve lunch with a beer or wine or a glass of cold fresh water.

During the Pierre Trudeau years capital gain became so high for the farm heirs it was farming was abandoned and the lands because unkemp

And sustainable mixed farms are rare. This modern concept may become popular in many rural settings

Somethings people don't think about

If every home in the immediate area decided to install a hot tub and above ground pool it would not be contested.

A milking dairy cow drinks 30 to 50 gallons of water per day.

The average restaurant uses about six thousand per day

So twenty head would use about the same as a restaurant. The average dairy herd in Canada is about 65 cows. One cow can survive on one achre for eighty days.

Risk of ecoli in well contamination would be extremely high with livestock.

A Golf course uses 37000 litres of water per week. I foot of water per acre is 300 thousand gallons. Three feet is the average precipitation in the Kingston area per year

2.4 inches in February is the average low.

Produce is labor intense from planting to harvest. If every person owned a hot tub and swimming pool 12x 24 would use about. 10k gallon per season. An average hot tub 400 gallons per change.

3000 gallons of water on the average house fire I expect that BPE would be happy to supply there ready resvoir ponfs for fire suppression if needed.

Noise comes from the traffic passing my house. Spa near my home equals serenity

Traffic has slowed down since the development started. Since i have moved here there have been three traffic fatalities from Kinston mills turn off to 1 kilometer north of my home. The accident that killed two young girls was caused by the driver turning onto Battersea road from Kingston mills road and not negotiating the speed of an on coming transport re routed off the 401. The second accident was because the driver failed to negotiate the corner on the road because of going too fast, alchol may have been a factor. I would be happy to see the speed reduced to 40 kilometers to the city limit for safety and noise reduction.

Randy Hillier and Scott Reid should have been invited to this meeting because it is in their riding.

It is ironic to say that this project is selffish because it gives back to the community in restoration of a beautiful old farm. Coupled with contemporary technology and cutting edge production of mixed farming

The push toward a better and sustainatble future will be when the consensus of opinion is motivated by logic.

Thankyou

Ted Holmes

[Sent from Yahoo Mail on Android](#)

RE: Proposed Unity Inn & Spa Development by BPE Spa

To Whom it May Concern,

I am writing this letter with regards to the proposed BPE development, Unity Inn & Spa located on Battersea Rd, Glenburnie. I have been following this project over the past year or so, and have seen the negative publicity this project has been getting, albeit from a small group of locals. As such, I felt it was important to provide a brief letter expressing my endorsement along with friends and family for this project.

It is understandable that local residents, especially those in close proximity project are concerned. However, after hearing about all of the studies completed as part of the project, it is clear that the developer has done their due diligence. In fact, it appears that the developer has went above and beyond ensuring there wouldn't be any adverse impacts to the environment or local residents.

Personally, I feel this is the type of project the city should endorse since the City of Kingston currently doesn't have anything similar to offer. My wife and I frequently travel to Quebec, for weekend getaways at the Nordic Spa to relax as do a lot of friends and family, and it would be so nice to have something similar much closer. I recognize that there are businesses in the city that offer spa services but tend to be fairly limited. The proposed design looks stunning and Kingston would be so lucky to have something like this for our city-weather it be for one service, a girl's weekend, a couple's retreat, its something everyone at any age can enjoy. It will also bring many people into the city all year around.

In closing, there will always be local residents who will never support this project, but the developer is not proposing to build a landfill and so I hope city planners and councillors can ultimately decide to support and endorse this project as it will be a great benefit to Kingston.

King Regards,

Alex & Stephanie Stuart

February 19, 2019

Attention: Jason Sands
Planner City of Kingston

Sent by email; jwsands@cityofkingston.ca

Letter of Support for the Battersea-Unity Inn & Spa Project

I have had the opportunity to review the Inn & Spa proposal; and I went by the site in my last visit to Kingston. My wife and I plan on relocating to this area and we see this proposal as an exciting addition to Kingston's growth and prosperity.

My forty-year career spanned municipal administrative positions around the country. I understand that every proposal worth undertaking will receive some opposition. That is just the way of the world.

Kingston's responsibility is to evaluate every proposal, especially of this magnitude, using the tools that govern decision making at the local level. Those tools include the Official Plan, the Planning Act and the Provincial Policy Statements. Policy is your best friend and it should be the guide for the proponent as well.

The benefits of employment (now and going forward), tourism opportunities, environmental protections, broadening of the tax base, and improving Kingston as a destination point are immeasurable and impactful. The benefits far outweigh the anti-prosperity efforts wanting this project to not proceed. Having said that, it is important that all concerns be reviewed, considered, and addressed.

My tenure as Mayor of Temagami saw many contentious planning situations that had pro and anti-development factions. I can say, from experience, that the immense potential of this proposal can easily be squandered if emotion comes before facts. Have the studies and planning requirements completed and I recommend that Kingston support and celebrate the entrepreneurial spirit that desires to bring this vision forward.

Municipally yours,

John Hodgson
Temagami


BY EMAIL

February 8, 2019

City of Kingston
Planning and Building Department
1211 John Counter Blvd.
Kingston, Ontario
K7K 6C7

Attention: Mr. Jason Sands, Senior City Planner

Dear Mr. Sands:

Re: Unity Inn & Spa – Letter of Support

Please accept this letter of support for BPE Group Companies in its application for the Unity Inn & Spa Project.

Based on my discussions with the Applicant's representatives and my review of the Unity Inn & Spa Proposal Information Booklet that has been made available, it is evident that the Unity Inn and Spa Project is truly unique and fills a clear void existing within our City and surrounding area. As a working mother of two young children, I welcome the opportunity to be able to experience a moment (or two) of calm without the hassle of having to travel away from home. As a wife, I look forward to the prospect of being able to share some of that much needed downtime with my husband.

Before the property at 2285 Battersea Road was purchased by the Applicant, my husband and I had an opportunity to visit same. As we turned into the long driveway, we were both taken aback by the natural beauty of the property and the instant feeling of calm that washed over us as we drove towards the house. The property in question is truly special and deserves to be experienced by our community. The proposed project offers a wonderful opportunity for Kingstonians and is a perfect fit for this property.

Kind regards,



KATE HUTCHINSON

Sands,Jason

From: Anderson Melissa (ONT) [REDACTED]
Sent: Friday, December 21, 2018 7:20 AM
To: Sands,Jason
Subject: RE: Forwarding info

Good Morning,

I heard of a proposed spa going to be built in Battersea and that they are looking for community support.

I think this would be a lovely addition to the area! I am in full support.

Melissa Anderson

Sands,Jason

From: Amy Bates [REDACTED]
Sent: Wednesday, December 12, 2018 6:33 PM
To: Sands,Jason
Subject: Support for the Glenburnie Spa

Please note my support for the Glenburnie Spa. I think this is positive project for our community.

Get [Outlook for Android](#)

Sands,Jason

From: Agnew,Paige
Sent: Wednesday, July 04, 2018 3:24 PM
To: 'Brooke Belfall'
Cc: Sands,Jason
Subject: RE: 2285 Battersea road

Hi Brooke,

Thanks for your message. I will ensure the correspondence is added to the file and you will receive notification should we receive applications for this property.

Thanks,
Paige

Paige Agnew, MCIP, RPP
Chief Planner & Director of Planning, Building, Licensing Services
Community Services



1211 John Counter Boulevard Kingston, ON K7K 6C7

City of Kingston

216 Ontario Street Kingston, ON K7L 2Z3

(613) 546-4291 extension 3252

pagnew@cityofkingston.ca

Follow my Blog @ <https://www.cityofkingston.ca/business/planning-and-development/official-plan/blog>



From: Brooke Belfall [REDACTED]
Sent: Wednesday, July 04, 2018 8:29 AM
To: Agnew,Paige
Subject: 2285 Battersea road

Hello,

I attended a meeting about the future of 2285 Battersea Road last night. Councillor Jim Neill mentioned we should email you to be included in correspondence about the planning stages. I live about 300 metres away which I believe is outside of the required notification area.

Thanks,
Brooke Belfall

Sands,Jason

From: Agnew,Paige
Sent: Wednesday, July 04, 2018 3:23 PM
To: 'Sonya Bianchet'
Cc: Sands,Jason
Subject: RE: 2285 battersea road

Hi Sonya,

Thanks for your message. I will ensure the correspondence is added to the file and you will receive notification should we receive applications for this property.

Best regards,
Paige

Paige Agnew, MCIP, RPP
Chief Planner & Director of Planning, Building, Licensing Services
Community Services



1211 John Counter Boulevard Kingston, ON K7K 6C7

City of Kingston

216 Ontario Street Kingston, ON K7L 2Z3

(613) 546-4291 extension 3252

pagnew@cityofkingston.ca

Follow my Blog @ <https://www.cityofkingston.ca/business/planning-and-development/official-plan/blog>



From: Sonya Bianchet [REDACTED]
Sent: Wednesday, July 04, 2018 11:34 AM
To: Agnew,Paige
Subject: 2285 battersea road

Hi Paige

I added my name to the list at the meeting last night, but would like to ensure I'm on the distribution list for further updates related to the proposed development of 2285 Battersea Rd.

Thank you,

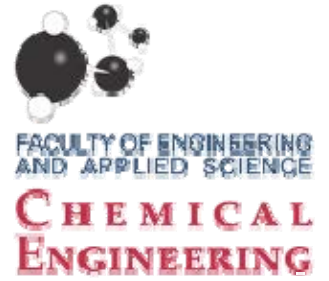
Sonya Bianchet, 2370 Battersea rd.

Sent from my BlackBerry - the most secure mobile device - via the TELUS Network

Brooke Belfall
Chemical Technologist



**INSPIRING
GREATNESS** | The Campaign
for Queen's
Engineering



Sands,Jason

From: Faith Bird [REDACTED]
Sent: Wednesday, December 19, 2018 9:46 AM
To: Sands,Jason
Subject: Unity Spa

Good morning
We would just like to let you know that we support the idea of the Unity Spa!

Thank you
Jack & Faith Bird

Sent from my iPad

Sands,Jason

From: Daneene Brooke [REDACTED]
Sent: Wednesday, December 19, 2018 6:44 AM
To: Sands,Jason
Subject: Unity Inn and Spa

Hello,

I am writing in support for the Unity Inn and Spa project in Kingston. I know the amount of effort and work that Michelle and Ben Pilon have put into this project so far and continue to do so. Their proposal truly shows how much they care for the community and how they want to bring something new and amazing into the Kingston area. I have been to spas like this in other cities and have seen how popular they are and how they bring business from so many surrounding cities. I truly see this spa as an asset to Kingston and would love to see this project come to life!

Daneene Brooke

Sent from my iPhone

Sands,Jason

From: Lee Campbell [REDACTED]
Sent: Wednesday, December 19, 2018 9:27 AM
To: Sands,Jason
Subject: Unity spa

Jason

I have seen the plans for the Unity spa and wanted to let you know how excited I am to see this potential new development!

I used to live in Inverary and always wished there was a great restaurant closer to home. And now that I'm retired and living in Kingston this sounds like a wonderful spot to go with friends for a special event. My friends and I have frequented other luxury spas such as the ones in Carleton place, Perth and St Anne's. One closer to home would be fantastic. Looking forward to seeing the final product.
Lee Campbell

Sands,Jason

From: Becky Casutt [REDACTED]
Sent: Wednesday, December 19, 2018 9:25 AM
To: Sands,Jason
Subject: I support unity spa

Would love to see this in Kingston
Becky Casutt

Sent from my iPhone

Sands,Jason

From: Vincent Cinanni [REDACTED]
Sent: Tuesday, December 11, 2018 9:21 AM
To: Sands,Jason
Cc: [REDACTED]
Subject: Support for the Unity Inn & Spa

Hello Jason

I would like show my support for the Unity Inn & Spa.

It would be a great addition to the community while offering new jobs for Kingstonians and would be a destination for Kingston area residents and tourists alike.

The plan that is being presented is very impressive. It is also sustainable taking advantage of different environmental friendly processes for minimal impact while keeping in mind the neighbours concerns.

I would love to see this beautiful project go through. A new sustainable and elegant amenity / local attraction for the area.

Thank You
Vincent Cinanni

Sands,Jason

From: mel cormier [REDACTED]
Sent: Tuesday, December 11, 2018 2:55 PM
To: Sands,Jason
Subject: Unity Road Project

I am writing to give my full support for the Unity Road project. There is nothing like this in the area and it would be such an amazing addition to our city. Ben and Michelle always do amazing work and I believe they will have the property and Kingston's best interest in mind.

Thank you,

Melissa Cormier

Sands,Jason

From: Gary Croke [REDACTED]
Sent: Thursday, January 31, 2019 11:21 AM
To: Sands,Jason
Subject: Support the Unity Inn & Spa

Dear Jason:

Please support the Unity Inn & Spa.

It's always a good thing when a local investor/developer wants to invest locally. Typically, a local investor is proud of their community and are looking a ways of bettering their neighbourhood and spinning off economic opportunities for local people.

This project is not without detractors. In many cases a vocal minority.

I have worked with BPE Developments for many years and I can attest to their loyalty for the community in which they live, work and play. The project of Unity Inn & Spa is a unique project with planning challenges. BPE understands and respects the role of the City's Planning department. As such, BPE has addressed the requirements of the City with respect to required studies to address the concerns raised. The bottom line is, in this instance and others in the City, we need to respect the role that the City Planners play in the development process of our City as guided by the Official Plan. When conditions are met, as directed by the City, it's time for things to proceed.

I support the development of the Unity Inn & Spa.

Gary Croke

Broker - Principal

Rogers & Trainor Commercial Realty Inc.

102-20 Gore St., Kingston ON K7L 2L1
[REDACTED]

Sands,Jason

From: Kim Cucheran [REDACTED]
Sent: Monday, January 14, 2019 11:46 AM
To: Sands,Jason
Cc: Mayor of Kingston; Oosterhof,Gary; schappelle@cityofkingston.ca; Osanic,Lisa; Hill,Wayne; Doherty,Bridget; Kiley,Robert; Holland,Mary Rita; McLaren,Jeff; Neill,Jim; Stroud,Peter; Hutchison,Rob; Boehme, Ryan N.
Subject: 2285 Battersea Road - BPE Development Concerns

Dear Mr. Sands,

I am writing to you with my concerns regarding this development that is currently in progress while under "zoning A2 - General Agricultural". I am sure my letter of concern is not your first. I live at 885 Unity Road, kitty corner from this development.

As you are aware, work has been progressing on this property since last spring. Three new wells, a new road entrance off Unity Road, 100's of trees removed from the property, a retention pond down at the corner of Unity and Battersea Road and rock breaking that is endless.

Firstly, I am very concerned about my water. Quality and quantity. BPE has so far performed three well tests, mine was included. My first test was inaccurate and ASC could not define what happened and it was not suggested another test would be completed. The second test showed my water decreasing gradually as the well at 2285 Battersea Road was pumped. I believe the third test (conducted in December) only ran for about one hour. No results to date at this time.

Since the well test, I have a strong sulphur smell in my water. Do I know for sure this is from their well use, no I do not but I know there has been a change.

BPE states they will only be using well water for the restaurant. I need to ask why they have needed to dig and add additional wells to the property. Water is a huge concern in this area. None of the neighboring properties have an over-abundance of water and based on the past few hot and dry summers, this may only become worse.

This brings me to my most recent concern - a retention pond now in place at the corner of Battersea Rd and Unity Rd. This has been empty since it was dug last summer/fall. After the third water test in December, BPE started rock breaking once again (thank you Mr. Pilon for rock hammering all day throughout everyone's Christmas break), this pond has filled with water - now partially ice as well. This terrifies me because there is a school across the road. There is no fence to keep the kids out as they head to school in the morning and leave in the afternoon.

PLEASE, this needs to be addressed ASAP. This is such a dangerous situation.

Regarding the retention pond, I am interested to know why it has all of a sudden been "naturally" filling up as the rock breaking was happening. Obviously, the aquifers/under ground waterways have been affected. Please, more water tests should now be conducted. I cannot accept the fact that our water and wells will not be affected by this development.

Work continues under the "residential/A2 zoning" when we all know that as soon as the majority of this work is complete, an application will be submitted to The City of Kingston asking for re-zoning to Commercial. This will now become a business for corporate functions and no doubt, eventually wedding receptions. Mr. Pilon

stated in his last meeting that he is no longer interested in wedding receptions however, we all realize that will be another area of income most likely eventually added as it was in his initial plan.

Please help me to understand how all of the work going on on this property is permitted. The excavation for three foundations has already taken place, just leading to a commercial development. Mr. Sands, if you have been to the property, you will see that it will never be restored to the farm it once was. Is there any type of policy where funds have been deposited by BPE Developments to restore the land should they not receive their re-zoning? Where does the due diligence lie with the ongoing breakdown of this property?

Traffic is my next concern. Our traffic speeds have been reduced over the past 18 months to 60 km/hour. There is so much traffic still exceeding that limit and driving at around 80km/hour. As I slow to enter my driveway, vehicles generally assume that I might be slowing to turn right at the corner of Battersea Road. I cannot count the number of times we have almost been hit from behind because of our already close proximity to the intersection. The same happens to people entering the church parking lot right on the corner and across the road into another residential property. The new road BPE has dug out is right across from the church parking lot entrance and close to the neighboring property across the road. Traffic will obviously be increased if the new Inn and Spa is approved. The issue of "near misses" will become a reality. This is a huge concern.

Please help me to understand how this is all happening? Are there no limitations to development out here? We are still "City of Kingston". I have many acquaintances within the City and as they try and apply for permits for work in their own yards, their process is generally more difficult than we have witnessed over the past 10 months out here in our quiet community of Glenburnie.

I guess I am asking for help in slowing down some of this development until required permits are all in place for the re-zoning to commercial, as that is exactly what this property will become.

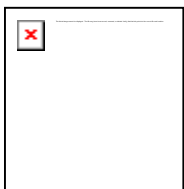
Thank you for your time and consideration,

Kim Cucheran



--

Kim



Sands,Jason

From: Valerie Cummings - First Impressions [REDACTED]
Sent: Wednesday, December 19, 2018 8:33 PM
To: Sands,Jason
Subject: I support the unity spa.

Thanks,
Valerie

Valerie Cummings
First Impressions
[REDACTED]
[REDACTED]

Visit us on  [Houzz](#) &  [Facebook](#)

January 30, 2019

Jason Sands
City of Kingston Planning Department
1211 John Counter Blvd
Kingston, Ontario K7K 6C7

Re: BPE Development at 2285 Battersea Road

Dear Mr. Sands,

We would like to express some concerns that we have regarding the above proposed development after having attended a meeting by BPE and reading some of the proposals for this property.

My husband Yves and I have lived at our residence at 2108 Battersea Road for 43 years. Our children grew up here which we always felt was a safe neighborhood and environment for them. Over these years we have gradually noticed increased traffic flow and other changes as things develop further north of the 401.

We enjoy walking along Battersea Road and Unity Road. Traffic flow has already increased and though the speed limit is 60 km per hour this is certainly not adhered to by a considerable number of vehicles large and small and certainly is not well policed. It becomes sometimes dangerous to walk even with the bicycle lanes which have been placed on Battersea Road. We have concern that a development of the type proposed will increase the traffic flow and make it more difficult to enjoy what was once a peaceful country side to walk in.

We have concern with this development being in such close proximity to the Glenburnie Public School at the corner. Once again there will be increased traffic with delivery vehicles and visitors to the area.

Though the company is showing us a pretty extensive water usage plan, we find it difficult to believe that this size of a project will not in some way affect the natural water in our area.

One major concern we have is the ponds that have been developed, particularly the one directly across from the Glenburnie School property. My husband spoke to Mr. Pilon about whether this would be fenced off and was told that he was not required to do so. We have a swimming pool in our back yard around which we are required to have a fence of a certain height and structure so that children are not able to access it. How could it possibly be safe to have an open pond directly across from a school full of curious children and not have it properly secured from access? Of note, this particular pond (which we were informed would be filled with water from their water system) is already filled with water, presumably from the run off of the rocks which have already been disturbed.

BPE has been assuring people that property values will not diminish. We know for a fact that the home and property abutting to 2285 Battersea Road facing onto Unity Road was at the time that the current owners purchased, involved in a bidding war because it was such an attractive spot. We cannot believe that the owners would be able to sell the property very easily with the proposed development so close to their property.

We have also been concerned about how quickly this work was started and find it upsetting to watch this agricultural land being torn up and disturbed.

We appreciate your taking time to hear our concerns.

Sincerely,

Wendy and Yves Deslauriers

Sands,Jason

From: Mike Demmons [REDACTED]
Sent: Thursday, December 06, 2018 4:54 PM
To: Sands,Jason
Subject: Unity Inn & Spa

Hi Jason,

I'm writing you to express my full support for the Unity Inn & Spa project (2285 Battersea Road) proposed by BPE (Ben and Michelle Pilon). I believe this project is a great fit for our city; one that will create a significant number of full-time jobs as well seasonal opportunities for students, radiates with values that speak to the core of Kingston and its residents and what makes our community so strong. These values (local focus, sustainability, strong community connection, respect, etc..) show in the work and dedication Ben and Michelle put into our city and I'm unable to understand how there could be any reasonable opposition to this project.

Kingston is a beautiful, vibrant city with a strong sense of community and is a great place to live and raise a family. In my experience (moved here 15 years ago) and coming from Ottawa where ideas, projects and forward-thinking were not only encouraged but fostered - it is also a tough city to be an entrepreneur. I'm hopeful that great people like Ben and Michelle can align with organizations like the City of Kingston to improve and continue to grow our city while keeping our core values and culture.

As the lead planner for the city, I'm sure you have lots of difficult decisions to make everyday, a heavy workload and many frustrations too. I'd like to thank you for your consideration and taking the time to read this email. Please feel free to reach out to me directly via email or my cell (613-484-4548) without hesitation if I can be of any assistance or you have any questions or comments.

All the best throughout the holiday season,



MIKE DEMMONS | CEO

Sentry Security Systems Inc.

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A known leader in technical and sales support, Sentry has provided video surveillance solutions to dealers, installers and integrators since 1999 with over 10,000 video recording servers sold in the last decade.



Sands,Jason

From: Matthew Dicker [REDACTED]
Sent: Monday, December 10, 2018 12:03 PM
To: Sands,Jason
Subject: UNITY INN & SPA 2285 Battersea Road

Hi Jason,

My wife and I are really excited about the Unity Inn and Spa being built at 2285 Battersea Road. We have travel great distances to visit other day spa's (St. Annes and Le Nordic) and now we will have one right in our home town. We both are looking forward to this project being approved and completed.

Matthew Dicker and Jennifer Leroux

Sands,Jason

From: Richard Dobing [REDACTED]
Sent: Wednesday, February 20, 2019 10:22 AM
To: Sands,Jason
Subject: Unity Inn & Spa

As a non-resident of the City of Kingston, however someone who works here and has many clients who work and reside in Kingston, we are very excited about this new endeavor.

We have seen their drawings and have been following their development; and are very impressed by their futuristic design and their use of safe clean Green Energy.

We have long felt Kingston needed such a high end spa facility because to date, we have had to travel to either St Anne's in Grafton or to Ottawa to gain this healthy experience. With a high end facility like this in Kingston the need to travel will be eliminated and personally most welcomed.

We look forward to attending the Unity Inn & Spa, and plan to tell our clients about it as well.

A place of this caliber is long needed and we are excited to see it open.

--

Richard Dobing

Richard Dobing, GBA, CMS, HIA

Employee Benefits Specialist

Strategic Benefits & Insurance Services Ltd.

Innovation Park ▪ P.O. Box 114

▪

945 Princess Street ▪ Kingston, ON ▪ K7L 0E9

▪

Member of The Benefits Alliance Group Inc. - Canada's Leading National Alliance of Independent Employee Benefits Advisors. [REDACTED]



E.&O.E.

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Sands,Jason

From: Loan Doung [REDACTED]
Sent: Thursday, February 21, 2019 3:10 PM
To: Sands,Jason
Subject: <https://www.2285battersea-unityproject.ca/>

Dear Jason, on behalf of the boathouse (home of SCC, Telecom Metric), just wanted to write in with full support for this Project.

We are a big believer in startups and support ideas and owner's that have these great vision for the city of Kingston — creating jobs and cultures for the areas.

Please take this as support Ben and Michelle Pilon.

Loan Duong
Sales Manager



w: www.telecommetric.com



Sands,Jason

From: David Pentney [REDACTED]
Sent: Monday, December 17, 2018 3:43 PM
To: Karen Drew
Cc: Oosterhof,Gary; Sands,Jason
Subject: Re: 1996 Battersea Road Glenburnie

Hello Karen,

I am sorry to hear about your water situation. I have copied Jason Sands from the City Planning Department, but I suggest that you send an email directly to him with your concerns.

A total of three wells have been drilled at the 2285 Battersea Rd site. To date three pump tests have been conducted: the first pump test on the first well for 48 hours and was conducted August 7th to 9th; the second pump test on the second well was for 48 hours and was conducted September 15th to 17th; and the pump test on the third well was only a six hour test on Dec 4th.

I believe that the majority of residents in the local area are opposed to the rezoning of this property from its current rural/agricultural to commercial with water concerns being a major factor. You can find more information on the Glenburnie Residents' Association website <http://www.glenburnie.ca>.

The information that was held last Tuesday by BPE Development was primarily an overview of the developer's plan to create Unity Inn and Spa. This is a link to the presentation that was given: <https://www.2285battersea-unityproject.ca/updates/dec-11th-follow-up>

I invite you to follow the Glenburnie Residents' Association website for current updates. Our next meeting will be at 7:00 pm on Tuesday, January 9th, 2019 at the Glenburnie Fire Hall. I hope you are able to join us.

Dave

On Monday, December 17, 2018, 1:50:44 p.m. EST, Oosterhof,Gary <goosterhof@cityofkingston.ca> wrote:

Hi Karen.

Thanks for your email.

I do understand completely.

We all share this same concern and are watching this situation closely.

At this time I don't know what else can be done. The City has not received a application for Site Plan related issues yet.

I am hopeful that the Ministry of Environment can be helpful here as well.

Please do keep me in the loop and you can contact Dave Pentney as well who is heading up the GRA (Glenburnie Residents Association) to handle things.

I have cced Dave and he will be in touch with you as well.

Regards,
Gary Oosterhof

Countryside Councillor
City of Kingston

On Dec 17, 2018, at 12:33 PM, Karen Drew [REDACTED] <mailto:[REDACTED]> wrote:

Hello Gary

I don't know if you remember me but I was Karen Hartin. You played hockey with Frank my former husband.

My partner and I live at 1996 Battersea Road just below Fairmount Home heading to Kingston.

Unfortunately we were unable to attend the meeting on December 11th concerning the new business on the corner of Unity and Battersea Road

as we were in Toronto attending a medical appointment.

We have been having problems with our water since October. We have a very strong unpleasant smell.

Brian Langille, my partner has lived in this location for over 37 years and there has never been any issue with the water.

November 2017 we had a new submersible pump installed and at that time had the water checked by the health unit. It got a clean bill of health.

We had a gentleman from Ottawa come and check the water and he told us it now has a very high iron content. He continued to tell us that water as

far away as 3 km can be affected by other wells being drilled/blasting.

I understand that numerous wells were drilled at the new location. I am surprised when I listened to the news how big a facility it is going to be.

Again we wish we had been able to hear what was said at the meeting.

Any thoughts?

Karen Drew
1996 Battersea Road
Glenburnie On
K0H 1S0
[REDACTED]

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Sands,Jason

From: Chrissy Fair [REDACTED]
Sent: Friday, January 11, 2019 10:01 AM
To: Sands,Jason
Subject: Unity Inn & Spa Project

Hi,

I wanted to email you to let you know of my support for the Unity Inn & Spa Project idea. It sounds like an amazing project that fills a business gap within Kingston but is also an extremely environmentally responsible and sustainable project. They have a very holistic approach to the project and I think it will be a successful project if approved.

Thanks
Chrissy Soares

Sands,Jason

From: Sands,Jason
Sent: Friday, January 18, 2019 9:36 AM
To: [REDACTED]
[REDACTED] Paige; MacCormick,Laura
Subject: FW: Glenburnie development

Hello Ms. Froud,

Although the owner of 2285 Battersea Road has commenced on-site activities, City staff continue to closely monitor those works to ensure compliance. A building permit and an entrance permit have been issued to date through the City of Kingston, which pertain specifically to the relocated accessory building (barn) and new driveway access via Unity Road. The activity noted below such as; tree removal, well drilling and on-site works are being completed in preparation of the necessary studies to be submitted in support of the Planning Act applications – which are expected to be received in the near future. *Planning Act* applications, including Official Plan Amendment, Zoning By-law Amendment and Site Plan Control are required to facilitate the proposed change in land use (ie. Inn and Spa).

Staff and the applicant are in discussion to ensure an understanding of the existing and planned site works / tree removal to review any additional approvals that may be required by the City.

Please circulate any additional questions or concerns directly to myself - Jason Sands (Senior Planner) who is managing the progress, queries as well as any *Planning Act* applications received as it relates to the subject property.

Thank you,



Jason Sands, MPI. MCIP. RPP

Senior Planner
Planning, Building & Licensing Services

City of Kingston
1211 John Counter Boulevard
216 Ontario Street Kingston, ON K7L 2Z3
613 546-4291 Extension 3277
jwsands@cityofkingston.ca



-----Original Message-----

From: Judy Froud [REDACTED]
Sent: Monday, January 14, 2019 7:52 PM
To: Mayor of Kingston
Subject: Glenburnie development

Dear Mayor Patterson,

On the eve of the last election, I was delighted to meet you on our doorstep at 220 Mowat Ave. After several minutes of discussion, I promised my vote if you offered your attention and support to the

citizens of Glenburnie opposed to the development at the corner of Battersea Road and Unity Road. You assured me at that time that the owner would not be getting his wishes met. Unfortunately, I continue to see further devastation, digging of wells, placement of access roads, apparently without permits or licenses. How does this happen? I would very much appreciate an update on this situation. I feel that the property owners in Glenburnie, with their concerns for water-tables and purity, as well as many safety issues should carry more weight as a community than the wealth of a single landowner.

Sincerely, Judy Froud

Sent from my iPad

Sands,Jason

From: Kristina Goncalves [REDACTED]
Sent: Wednesday, December 12, 2018 11:39 AM
To: Sands,Jason

To Mr. Sands,

I'm writing to you today in support of the Unity Inn and Spa project on Battersea Road.

What I see, is a unique business project that will create positive economic growth in our city. I see jobs being created, an increase in tourism, a business with innovative technology to ensure the agricultural use of the land and protection to the environment, and an amazing facility for our local residents to use to help with chronic pain and overall wellness.

I know that there are some opposing this project because of concerns of their well water, but I feel that BPE Development has been transparent with their study findings and also feel that they are holding themselves accountable to find the best solutions to avoid negative impacts on the well water to surrounding residents. Compared to other companies, BPE seems to care for their communities and they are driven with promoting positive impacts and relationships with them.

As a 37 year old female, and a mother of two, I have grown tired of seeing the naysayers trying to set back our city from being a progressive and innovative city. I want to raise my children in a city that thrives and produces opportunity for them. There is a way to integrate the beauty of our history, with the progression of future innovation and technology. I fully trust that BPE Development has brought forth amazing solutions to produce this project to ensure the future of the well water in their area. It would be a shame to deny them to pursue this project over something that they have addressed at length.

I am asking that the city, and its council, look at both sides of the coin, and to see that the positives of Kingston being home to a wellness spa of this magnitude can bring many opportunities to our city, which is what our city needs. I fully support this project and would love to see it come to fruition.

I thank you for your time.

Kristina M. Gonçalves

Glenburnie Residents' Association
2108 Battersea Road
Glenburnie, Ontario KOH 1S0



November 02, 2018

City Hall
216 Ontario Street
Kingston, ON K7L 2Z3

Attention: Rural Advisory Committee

The purpose of this letter is to express the concern of the members of the Glenburnie Residents' Association with respect to the ongoing development at northwest corner of the junction of Battersea and Unity Roads (2285 Battersea Road).

BPE Development has held three information sessions about its proposed Unity Inn and Spa project, so we have a fair understanding of what the development is about. We recognize that specific concerns regarding the details of this development are best addressed through the City's Development Review Process once that process has been initiated. Rest assured that we will do so vigorously.

Our immediate concern is that we feel that the City's Development Review Process is being deliberately circumvented. The zoning of this property is governed by the Kingston Township Zoning Bylaw 76-26, an integral part of the City of Kingston's Official Plan. This property is zoned A2 (General Agricultural Zone). The BPE proposed commercial development is not consistent with any of the 13 non-residential uses in this zoning as detailed at section 10 of the bylaw. Notwithstanding, BPE has been doing extensive work since early spring for what it has declared as a commercial development and it continues to do so. This ongoing work has had a negative impact on local residents, particularly the noise of heavy equipment breaking rock and the drilling of wells. Of particular concern is the adjacent horse farm. The owners have had to relocate horses to pastures that they do not normally use in order to move them away from the noise and vibration. This ongoing work has also made it a challenge to attract new clients.

When we have raised our concerns with the City Planning Department, the answer that we received is that the ongoing work represents "permitted" activities on the owner's property without City approvals. I very much doubt that the City of Kingston would allow a developer to excavate for the foundation for a high rise building on property that it owned at the corner of Queen and Ontario Streets without site plan approval because of the hue and cry that would ensue from downtown residents and businesses. The excavation for three foundations has already taking place at 2285 Battersea Rd and this is considered "permitted" activity!

We recognize that a certain amount of exploratory work is required for the developer to do site investigation, such as conducting well-pump tests, and to prepare the technical studies for planning applications to support a change in land-use permissions. We wholeheartedly disagree with the Planning Department's opinion that "site preparation, such as rock and soil evacuation and some site grading" are permitted activities. It is our view that unless this work is consistent with current zoning it should not be permitted until such time as rezoning has occurred.

It is our perception that the City of Kingston is allowing BPE Development to do extensive and irreversible site preparation work for a commercial enterprise under current A2 zoning, thus giving BPE Development an unfair advantage before the formal development review process even begins. Frankly, this is not acceptable to us.

Our councilor, Gary Oosterhof has been very supportive; however, he is but one voice. You, the members of the Rural Advisory Committee, are also collectively one of our voices to City Staff and Council. The message that we would like for you to consider, then convey on our behalf, is that commercial development on agricultural land should not be permitted without following the established procedures to seek rezoning, Official Plan amendment if required, and then following Development Review Process.

David Pentney
Chair
Glenburnie Residents' Association

Sands,Jason

From: Jim Hamilton [REDACTED]
Sent: Thursday, December 06, 2018 11:38 AM
To: Sands,Jason
Cc: Michelle Pilon; Sam Khan
Subject: Full Support for Unity Inn and Spa Proposal
Attachments: Unity Inn & Spa Proposal Information Booklet.pdf

Jason,

Please accept this as my letter of support for the Unity Inn and Spa as attached and proposed by BPE Development.

I have reviewed their proposal and find it to be comprehensive in its analysis, thoughtful in its considerations and wonderfully forward-looking in its vision. It is exactly the kind of development that the City of Kingston should be supporting. The benefits to the City are numerous and the proposal should be approved on its merits alone (not even taking into consideration the proven expertise in these developments and commitment to Kingston – both investment and jobs - that has been consistently demonstrated by BPE Development).

Growth comes in many ways yet always requires initiative and momentum. BPE Development is taking the risk and providing the initiative to do something that will help to grow our community. Let's move fast to give them the momentum to make it real.

Please feel free to reach out if I can be of assistance - [REDACTED]

Sincerely,

Jim Hamilton

Work at Queen's University
Owner of OPTIAC
Resident, Taxpayer, and Lifelong Kingstonian
Taxpayer of South Frontenac

Sands,Jason

From: [REDACTED]
Sent: Thursday, January 10, 2019 10:18 AM
To: Sands,Jason
Subject: opposition to re-zoning 2285 Battersea Rd.

To Jason Sands Mr. Sands My husband I live at 2055 Perth Rd R.R.1 Glenburnie KOHISO We live on a property that is A1 farming. Before our purchase of this property an attempt had been made to re-zone. A property on Burr Brook a fencing company was refused re-zoning last year. So there is a precedence for refusing re-zoning requests . This is a rural community of country housing ,and working farms . The property in question is located opposite a public school and in proximity to two churches. While we have no water or sewage coverage from the city we do pay taxes and in many cases substantial taxes. As rural home owners we worry about water quality and soil contamination. Rural home owners should feel these worries are also city worries. Rural home owners should expect their city to understand and protect these important concerns of country home owners. We oppose any re-zoning of 2285 Battersea Rd. on these grounds. Thank you Lorna Hendry

Sands,Jason

From: Tayler Herrington [REDACTED]
Sent: Saturday, December 29, 2018 5:51 PM
To: Sands,Jason
Subject: Unity Inn & Spa Project

Hello,

I am writing to you in regards to the Unity Inn & Spa Project proposal to say that I am a member of the community (Kingston area) and am very in favour of this project being approved.

Considering that there is nothing quite like it in our area, I believe the uniqueness of this project, in both aesthetic and services, would contribute to our area's overall appeal to locals and tourists. There is something for every type of customer in a business like this and the versatility creates new opportunities for excitement and intrigue in our community.

I feel that our community excels in local businesses that combine natural historic charm with modern ideas and this business would be another great addition to that list.

Thank you for your time and taking my opinion into consideration going forward with this project,

Tayler

Sands,Jason

From: Jim Ingram [REDACTED]
Sent: Thursday, February 21, 2019 11:22 AM
To: Sands,Jason
Subject: New Inn & Spa north end of Kingston

I was in Kingston last week and heard about a proposed new Inn & Spa for Kingston featuring a farm to table restaurant where the produce is grown on site, (a very current trend that provides guests with the freshest product possible) and a second life for a beautiful building as a spa and Inn. How exciting for Kingston. As a restaurateur for 20+ years, I am happy to see this type of business coming to life. I fully support the project.

Jim Ingram
Y'Wanna Hav A Cafe
[REDACTED]

Sands,Jason

From: Jen Murray [REDACTED]
Sent: Tuesday, December 11, 2018 2:31 PM
To: Sands,Jason
Subject: Unity Inn & Spa Project

Good Afternoon,

I am writing to you in support of the proposed development of the Unity Inn & Spa on Battersea road in Kingston. I feel that BPE has done their due diligence in terms of meeting concerned residents on middle ground when it comes to traffic, privacy, history, water, and noise concerns on the property.

Having thoroughly read over the proposed plan for the Inn and Spa, I feel that it is absolutely wonderful that BPE wants to create something sustainable that is also a little slice of paradise just outside of the city.

As someone that studied history at Queen's and is currently employed as an historical archivist for a private collector, I am happy to see that BPE is ensuring that the historical significance of the property is not being glossed over, and they are attempting to replicate the original barn that was on the property.

Additionally, as someone who hopes to see Kingston thrive, as I would hope we all do as Kingstonians, it pains me when developments such as these are squashed. Developments in Kingston are shut down all too frequently it seems, unfortunately sometimes even in the name of its history. Cities all around the world even older than Kingston have somehow managed to integrate modern architecture with their historical landmarks and style. It is time we stop living under a rock and do the same.

Best Regards,

Jenifer Murray

Sands,Jason

From: Neil Jenny (ONT) [REDACTED]
Sent: Thursday, December 20, 2018 3:52 PM
To: Sands,Jason
Subject: Unity Inn and Spa Project

Hello,

I have been able to view the projected “Unity Inn and Spa” project in Battersea and understand there is some debate in the approval of this facility. I would like to share my support in this project, as I feel the region would benefit greatly from such a facility. I often attend Ste. Anne’s Spa and my predictions would be that this proposed project will meet the needs of many spa seekers in the region.

Thanks!

Jenny Neil, M.Ed., C. Psych.

Psychologist | Psychologue
Moderate Intensity Intermediate Care Unit | Unité Modérer Intensité de soins intermédiaires
Bath Institution | Institution Bath
Correctional Service of Canada | Service Correctionnel du Canada
P.O. Box 1500 | C.P. 1500
5775 Bath Road | 5775 rue Bath
Bath, ON K0H 1G0

[REDACTED]

Sands,Jason

From: Janet Pentney [REDACTED]
Sent: Wednesday, January 02, 2019 11:18 AM
To: Sands,Jason
Cc: Mayor of Kingston; Oosterhof,Gary; schappelle@cityofkingston.ca; Osanic,Lisa; Hill,Wayne; Doherty,Bridget; Kiley,Robert; Holland,Mary Rita; McLaren,Jeff; jneil@cityofkingston.ca; pstroud@cityofkingston.ca; Hutchison,Rob; Boehme, Ryan N.

Dear Jason,

I am writing you as a concerned citizen of the ongoing development happening at 2285 Battersea Rd. Our rural setting and privacy have been dramatically impacted and all without proper consult and due process. The developer states that he is all about what is best for the neighbourhood but I knew that was not the case when he drilled his first well (without any notice) on Friday, August 10th and we had a big family reunion planned for that day. I sent an email to BPE and received a curt phone call from Michelle Pilon that Jack Knox had been hired until 5pm and the noise would stop then. I had to move our family reunion indoors (on a beautiful summer day) and close all windows. No regard to the fact that I had set up a water slide, tents and food for an outdoor party and guests had driven over 3 hours.

That is just the beginning of our nightmare that continues in Glenburnie. On many occasions over the past months I have had to contact the farmer next door to come and fix their fences because their horses are so upset over the noise and dust from construction that they break rails on the adjacent fence line. I run a home business with my desk in the basement and could not work there all fall due to rock breaking and continual noise and hammering happening adjacent to our home. On September 24th I went to my DR due to stress and lack of sleep over what was happening to our rural neighbourhood. Over the Christmas holidays we have had to endure more rock breaking and with guests sleeping in our basement a great inconvenience.

I was brought up on a dairy farm and have lived across Canada and Europe and have always worked, volunteered and been part of every community and city we have lived in. It is incomprehensible to me that the City of Kingston would allow the privacy and livelihood of a rural neighbourhood to be impacted so negatively by a developer.

Glenburnie is zoned rural agricultural and should remain that way.

Concerned citizen,
Janet Pentney

Sands,Jason

From: Kim Murray [REDACTED]
Sent: Wednesday, December 12, 2018 12:10 AM
To: Sands,Jason
Subject: Unity Inn & Spa Project

We are sending this e-mail in support of Ben and Michelle Pilon's proposed Unity Inn & Spa Project.

We believe that the site is perfect, located just outside of the city but still an easy commute from Kingston.

Their proposal to cultivate the land to grow vegetables, etc. to be used in their restaurant is a great idea as well as their plan to support local farmers and vendors in the community to supply the restaurant.

It certainly gets our thumbs up and we look forward to the grand opening.

Kim and Mike Murray
Countryside District

Sands,Jason

From: Marilyn K [REDACTED]
Sent: Wednesday, February 06, 2019 9:07 PM
To: Sands,Jason
Subject: Proposed Unity Inn and Spa

Thank you for the opportunity to show my complete support for this project.

My sisters and daughter have travelled several times to the Nordic Spa in Quebec for the same type of venue that is being proposed right here in Glenburnie. We are so looking forward to driving for 5 minutes as opposed to 2 1/2 hours.

This will also bring jobs to our community.

The owners have outlined a innovative project ensuring that water is being reused when able lessening the stress on the water supply. They plan on growing their produce to serve to clients

Electric tractors to cut down on emmissions. They have also retained the heritage look of the existing buildings. A possible winery? We would be so fortunate to have this in oir area.

As a community we need to embrace this project as it will enhance the lives of all who visit and work there.

Marilyn Kellar

3363 Perth Rd.

Inverary, On K0H1X0
[REDACTED]

Sands,Jason

From: Danielle Keller [REDACTED]
Sent: Tuesday, December 11, 2018 6:21 PM
To: Sands,Jason
Subject: Unity Inn and spa project

Hello, I would personally like to extend my support to the completion of unity Inn and spa. I think this would be a great addition to the city, for its residents and future tourists.

I've know Ben and Michelle for some time, and I can honestly say they are great people, and very business savvy. As you are aware, they operate quite a few successful businesses within the city, each unique and all have a local-support approach.

I wish Ben and Michelle success with this latest venture! And o hope the city of Kingston will too!

Best regards,
Danielle Keller

Homestead Land Holdings

Sent from my Bell Samsung device over Canada's largest network.

Sands,Jason

From: Sam Khan [REDACTED]
Sent: Thursday, December 06, 2018 11:52 AM
To: Sands,Jason
Cc: John Moore; Benjamin Pilon; Michelle Pilon
Subject: Unity Inn Spa Support

Hi Jason

I hope things are going well

Thought I would take a moment of your time on behalf of John Moore (President) and myself Sam Khan (Vice President) at iSTORM New Media to voice our support and our companies support for the Unity Inn and Spa project. This project by two colleagues of John and I. Michelle and Ben Pilon. They are an amazing community and business members that have invested heavily in creating jobs and businesses in this community. This project is extremely exciting but needs community support.

We are honestly at wit's end in trying to understand why there would be an opposition group to something so needed in the community. Our company markets tourism destinations globally and understand intimately to have a draw to a city such as Kingston. We need to start supporting entrepreneurs that put money into exciting projects that will help our city grow, sustainably create jobs.

Far too often all of us remain silent on development issues in this city. A lot of developers investors disheartened on how the city treats them and their prospective projects. We are at a real crossroads with future growth of the city. Amenities and attractions have to be developed not only for our residents but help introduce Kingston as a place to be and settle down in instead of a go-between from Ottawa to Toronto. We have a real problem at keeping talent in town, especially young talent amenities and projects like this are so important for our community. Trust me my company feels the pain of this all the time as tech talent moves to Ottawa and Toronto. With two tech companies closing this year it's even more important to focus on adding amenities that the young workforces crave and want, we are losing the battle in this city growing, retaining talent and investing.

John and I have volunteered our time over the past two decades to help better the city. Whether with political campaigns, mentoring start-ups, bringing Angel investment to Kingston.

We normally don't do this, but we cannot remain silent on something that great people are trying to build with their OWN money and investing in our community. They should be encouraged. They put in so much effort, caring and money into this city in projects and initiatives, it is amazing. But only in our city is it a bad thing, in Ottawa, it is encouraged. We want them to continue to help make our city more vibrant. We thought it a good time to reach out and stick our neck out and voice our support.

Jason thanks for taking the time to read this and Happy Holidays to you and your family



Sam Khan
VICE PRESIDENT OF OPERATIONS & BUSINESS DEVELOPMENT
iSTORM New Media, Inc.
[REDACTED]

Sands,Jason

From: Michele Kimmett [REDACTED]
Sent: Wednesday, December 19, 2018 12:28 PM
To: Sands,Jason
Subject: Unity Spa

I had a look at the design plans - looks lovely. I support the Unity Spa!

Michele Kimmett

Sent from my iPhone

Sands,Jason

From: Heather Kirby [REDACTED]
Sent: Sunday, December 09, 2018 9:59 PM
To: Sands,Jason
Subject: Unity inn and spa

Hello,

I am writing to show my support for the intended spa and farm project at 2285 Battersea rd.

I am a kingston resident, born and raised from a long line of kingstonians. I completed two degrees at Queen's University and now live in the downtown core and work as a local high school teacher.

I have seen the care that BPE development puts into their businesses and I truly believe that this spa venture would not only be a great way to revitalize a wonderful heritage building in our community, but also to drive more tourist economy and enjoyment for locals. The thought of having a relaxing spa retreat just minutes from the city is very exciting, especially with the rise in popularity of businesses such as Nordik Spa and other resort-type experiences. This is something I personally believe kingston to be lacking, and a new, sustainable, and high end spa is something many would enjoy and benefit from.

Many of my friends and family have also voiced their excitement about this project, and I cannot wait to see this get approved.

Sincerely,

Heather Kirby
Literacy Teacher at L.D.S.B, Bayridge Secondary School and K.C.V.I.

Sent from my Samsung Galaxy smartphone.

Sands,Jason

From: Kohnen, Carissa [REDACTED]
Sent: Tuesday, December 11, 2018 1:39 PM
To: Sands,Jason
Subject: Unity Inn & Spa

Dear Mr. Sands,

I am writing this letter to express interest in the development of the Unity Inn and Spa. I would love to see a spa of this calibre available in our community and know of many others who would be interested in its services, as well. Not only would this present an excellent opportunity to attract more tourism, but it would also create job opportunities within a caring and successful company that provides its employees with opportunities for growth. I had the pleasure of working part-time for BPE as a student, and only have great things to say about my experience with the company and its owners, Ben and Michelle. Mr. and Mrs. Pilon are passionate about their community and conscious of the environment and land that they work on. Each of their businesses aims to preserve the surrounding history and culture of the buildings they operate from, while bringing them new life through modern business concepts. I have no doubt that the Unity Inn and Spa will be a great success and a wonderful asset to the community. I hope that you will see its potential and approve this project.

Carissa Kohnen, BSc, MLT

Sands,Jason

From: Mary Lake [REDACTED]
Sent: Monday, February 04, 2019 2:35 PM
To: Sands,Jason
Cc: [REDACTED]
Subject: Unity Inn and Spa

Hi Jason,

Please accept this email as a show of my support for the ongoing development of the Unity Inn and Spa at Battersea and Unity Roads.

I am a life long resident of Frontenac County and worked at Fairmount Home for more than twenty-seven years. This property is a perfect setting for the spa. Presently, many of us are travelling to the east or west to access this service. It makes sense to me to invest in our own community to bring the business here and support our local economy.

Ben and Michelle's respect for heritage and history is evident in all the projects they've been involved in, from their personal residence to their businesses downtown. They support local businesses and provide jobs. They certainly have a proven history of investing in the community.

This project will attract many to the area in a setting that will promote wellness and relaxation. I can't think of a better setting for personal and corporate retreats.

I hope this project will be approved and look forward to being one of their first patrons.

Thank you so much for your consideration of my letter.

Yours sincerely

Mary Lake

Sent from my iPad

Sands,Jason

From: [REDACTED]
Sent: Thursday, December 13, 2018 8:37 PM
To: Sands,Jason
Subject: Unity Inn and Spa

Dear Mr Sands,

I have become aware of the proposal for the Unity Inn and Spa. Kingston has been my home for over thirty years after being raised on a farm. As I drive through our precious countryside, I am saddened by beautiful old homesteads no longer adding farming value to our community. After little government support, farmers put down their tools, sold the livestock, and relocated their families closer to cities where there were jobs. Now, much of our produce comes from greenhouses and abroad. Although, I am beginning to see a shift, for which I am very grateful.

I would very much like to see this property put to use where people could get a real sense of country life with beautiful gardens and crops while de-stressing. I'm hoping the crops would be certified organic to support the the soil and provide truly nutritious food to customers.

I can't imagine a better opportunity for Kingston. Perhaps this would encourage more small business start-ups, which in turn would provide jobs in our community. In addition, the Inn would increase tourism to the Kingston area.


So I encourage your support in this endeavour moving forward.

Sincerely,
Betty Leroux

Sent from my iPad

December 12, 2018

Jason Sands
Planning Building & Licensing – Development Approvals
The City of Kingston
1211 John Counter Blvd.
Kingston Ont.

Laurie Dixon
2871 Battersea Rd.
Glenburnie, Ont. K0H1S0
613-453-2667


Dear Jason,

I am writing to let you know how excited and pleased that I am to offer my support for the development of the Unity Inn & Spa in Glenburnie. It is a truly exciting project that will bring many benefits to our small community. I have lived and grown up in Glenburnie my entire life and am now raising my own family here. I have seen Glenburnie expand and change in the 40+ years that I have lived here and believe that the Inn & Spa will positively contribute to future growth.

I feel that this project could bring many of the same benefits to the community that other local businesses have, such as Sun Harvest Green House and the expanded Glenburnie Store. These businesses support our local economy by bring people into our community to experience the unique, friendly and specialized services that they have to offer, as well as offering employment and increased partnerships with local businesses, farms and residents . The Inn & Spa will only help us grow in more positive ways by increasing employment opportunities, sustainable resources and innovative education experiences for future generations. I also feel that the Inn and Spa could also offer many positive experiences to the students at our local elementary school through unique opportunities to learn and experience sustainability, tourism, innovation and different aspects of agriculture.

I feel the proposal and process of involving the community so far is a great indicator of the commitment and dedication this project has to the community in supporting growth, sustainability and innovation at the same time as preserving the history for future generations. My family and I love driving by every day and seeing the progress that has been made and cannot wait for it to come together and being able to walk through the doors for the first time!

Sincerely,

Laurie Dixon

Sands,Jason

From: Richard Lorimer [REDACTED]
Sent: Monday, August 27, 2018 12:41 PM
To: Venditti,Marnie; Oosterhof,Gary; [REDACTED]
Cc: MacCormick,Laura; Agarwal,Sukriti; Sands,Jason
Subject: Re: work permits 2285 Battersea

Hello Ms. Venditti and Councillor Oosteroff.

Thank you for your response. I think we can all agree no work in excess of normal zone allowances have been permitted at this address. Modifications to the land and buildings have commenced. It is my understanding that this is not permitted, in accordance with our standing by-law 76-26. The work which has commenced by a developer is for the sole purpose of erecting an Inn/hotel and spa. If my interpretation of the by-law is correct, enforcement must be applied and this developer must be halted and compelled to abide by our laws.

By-law 76-26

"Section 10

General Agricultural Zone (A2)

(1) Uses Permitted

No person shall within any A2 Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the following A2 uses, namely: (a) Residential Uses: an accessory dwelling house; a converted dwelling house; a single-family dwelling house. (b) Non-Residential Uses: a cemetery; a church; a conservation use; a crematorium; a farm, including a specialized farm; a forestry use; a fraternal lodge; a home occupation; a kennel; a livestock sales barn; a public use in accordance with the provisions of Section 5(18) hereof; a riding stable; 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. "

Richard Lorimer

From: Venditti,Marnie <MVenditti@cityofkingston.ca>

Sent: August 24, 2018 9:05 AM

To: [REDACTED] Oosterhof,Gary; [REDACTED]

Cc: MacCormick,Laura; Agarwal,Sukriti; Sands,Jason

Subject: RE: work permits 2285 Battersea

Good Morning Richard,

At this time we do not have any planning applications for this property. I have included a link below that provides mapping of active building permit applications. At this time there are no building permits showing for this property.

<http://cityofkingston.maps.arcgis.com/apps/MapSeries/index.html?appid=343a968a042a4a3ba52cd398795c58e5>

Sands,Jason

From: Matthew Dicker [REDACTED]
Sent: Friday, January 04, 2019 4:23 PM
To: Sands,Jason
Subject: Unity Inn and Spa

Hi Jason,

My wife and I are really excited about the Unity Inn and Spa being built at 2285 Battersea Road. We have traveled great distances to visit other day spa's (St. Annes and Le Nordic) and now we will have one right in our home town. We both are looking forward to this project being approved and completed.

M & jDicker



Story Map Series

cityofkingston.maps.arcgis.com

This story map was created with the Story Map Series application in ArcGIS Online.

With respect to Development Applications I have included a link below to mapping where you can search development applications. When we do have applications for this property there will be a dot on this map and information that will direct you to the details and supporting information provided for the application.

<https://www.cityofkingston.ca/business/dash/search>

Should you have any further questions regarding this please do not hesitate to contact me.

marnie



Marnie Venditti

Manager Development Approvals
Planning Building and Licensing Department
City of Kingston

1211 John Counter Boulevard,
216 Ontario Street Kingston, ON K7L 2Z3
613-546-4291 ext. 3256

mvenditti@cityofkingston.ca



From: Oosterhof, Gary
Sent: Tuesday, August 21, 2018 8:14 PM
To: Richard Lorimer
Cc: Agarwal, Sukriti; [REDACTED]
Subject: Re: work permits 2285 Battersea

Hello Richard.

Thanks for your email.

Yes. There continues to be considerable concern with this address.

We are all waiting for more information as I understand it.

Regards,

Gary Oosterhof
Countryside Councillor
City of Kingston

On Aug 21, 2018, at 5:29 PM, Richard Lorimer [REDACTED] wrote:

Hello again Sukriti,

I have noticed a considerable amount of work being conducted on the NW corner of Unity and Battersea but have not been able to see any work permits or other applications on DASH or the CofK Planning site at all. The property is 2285 Battersea which is currently a Farm.

Can you please advise of any outstanding applications (zoning or otherwise), administrative notices or permits issued or received for this project. Please also advise of any infraction notices.

As you may know, this is an A2 property which was recently sold to a developer. After reviewing by-law 76-26, I am concerned that work is being conducted which is outside the allowances for this zoning. In addition, I am also concerned that the developer is using OBC/OMAFRA allowances to his advantage by retaining the Agriculture zoning during this stage of construction. The owner of the property is meeting with neighbours within the next week, as such, I would greatly appreciate hearing back from you beforehand.

Thank you,
Richard Lorimer, CD, EPT

From: Agarwal,Sukriti [REDACTED]
Sent: March 23, 2018 10:25 AM
To: 'Richard Lorimer'
Subject: RE: Project email list

Please add me to the project email list.

This E-mail contains confidential information intended only for the individual or entity named in the message. If the reader of this message is not the intended recipient, or the agent responsible to deliver it to the intended recipient, you are hereby notified that any review, dissemination, distribution or copying of this communication is prohibited. If this communication was received in error, or if you wish to stop receiving communications from the City of Kingston, please notify us by reply E-mail and delete the original message.

Sands,Jason

From: adaminkingston [REDACTED]
Sent: Wednesday, December 12, 2018 8:14 PM
To: Sands,Jason
Subject: Unity Inn and Spa

Hello there. This is Adam McDonald and I live in the east end of Kingston.
I am writing this to show my support for the development project.
The new venue would be a valued addition to the tourism industry in Kingston.
The land in scope is former farmland and should be repurposed in the best way possible. The area in which it lies is not high end farmland and dozens of homes have already been carved out of the former farms in the area. It would serve the entire community well to add a business which would preserve the integrity of the local environment and also create numerous jobs.

Thanks, Adam.

Adam McDonald
302 Quarry Pond Court.
Kingston Ontario
K7K 7L6

Sent from my Bell Samsung device over Canada's largest network.

Sands,Jason

From: Linda McAlpine [REDACTED]
Sent: Wednesday, December 19, 2018 11:30 AM
To: Sands,Jason
Cc: 'Lee Campbell'
Subject: Unity Spa

Looks like a wonderful project that will be a welcome addition to the Kingston area.
Linda McAlpine

I believe that Unity Inn & Spa will be a great addition to Kingston and the surrounding areas. This tranquil wellness destination will provide locals with a great place to unplug, unite and de-stress.

After reviewing the plans, it is clear that BPE takes pride in preserving the historical components of the farmstead and that they have taken extra care to reinvigorate the surrounding farmland area. Unifying old with new, the spa will be a wonderful showcase for our city. This will in turn, help to boost tourism, bringing people from out of town to enjoy the spa.

I support this project and trust that it will be an exciting new development for Kingston.

Best,

Lesley McClement

Sands,Jason

From: John Moore [REDACTED]
Sent: Tuesday, December 11, 2018 7:52 AM
To: Sands,Jason
Subject: Support for Unity Spa
Attachments: Letter of Support for Ben - Unity Spa.pdf

Good Morning Jason,

I wanted to full heartedly endorse the Unity Spa project. As a business owner and Kingston resident for over 20 years, I love and fully support the smart development of Kingston.

The Unity Spa project is exactly the type of development we need for the city. It increases our cultural footprint and adds amenities that allow us to compete more directly with larger metropolitan communities.

Cheers,
John.

John Moore
PRESIDENT



WWW.ISTORM.CA



Sands,Jason

From: murph murph [REDACTED]
Sent: Friday, December 21, 2018 3:00 PM
To: Sands,Jason

This sounds like a wonderful project. We could sure use a Nordic Spa in this area. Ann Murphy

Sands,Jason

From: Murray, Ann [REDACTED]
Sent: Wednesday, December 19, 2018 1:49 PM
To: Sands,Jason
Subject: Unity Spa
Attachments: ATT00001.txt

Jason, I just wanted to say that my husband Patrick, and I are in support of this new project in our area. We have lived in Glenburnie for 43 years and have seen many changes. We are very impressed with the young couple, who have purchased the old farm house and are trying to start a new business. They have done great research and are committed to keeping the rural interests of the community.

We do hope this will be approved

Ann

Ann Murray, RN. CHPCN (C)
Clinical Educator

Palliative Care and Complex Medical
note my email address is
[REDACTED]

Providence Care Hospital,
752 King Street West,
Kingston ON
K7L 4X3
[REDACTED]

Sands,Jason

From: Emily Murray [REDACTED]
Sent: Wednesday, December 19, 2018 9:11 AM
To: Sands,Jason
Subject: Unity Spa

Hi Jason,

I wanted to send a quick note to show my support for the Unity Spa. I grew up just down the road and love the idea of having something like this so close to my childhood home.

Looking forward to seeing the development!

With thanks,
Emily

Sent from my iPhone

Sands,Jason

From: Nick Keller [REDACTED]
Sent: Friday, February 22, 2019 1:14 PM
To: Sands,Jason
Subject: Unity Inn & Spa

I'm writing you to express my support for the Unity Inn & Spa project (2285 Battersea Road) proposed by BPE. I think this project is a great fit for our city in regards to tourism as well as job creation. Ben and Michelle have done a lot of great work in our city, continually re-invest in our community and employ a lot of full-time people.

I hope that Ben and Michelle and people like them can work collaboratively with the City of Kingston to improve and continue to grow our city while keeping to our core values. I'd like to thank you for your time and consideration. Please feel free to reach out to me with any questions.

Regards,



NICK KELLER | Technical Services Manager & Systems Analyst
Sentry Security Systems Inc.

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Sands,Jason

From: Adam Neil [REDACTED]
Sent: Thursday, December 20, 2018 3:13 PM
To: Sands,Jason
Subject: UNITY INN - 2285 BATTERSEA RD

Mr. Sands

Just wanted to send a message in support of the proposed Unity Inn @ 2285 Battersea Rd.

Thank you

--

Adam Neil



Virus-free. www.avg.com

Sands,Jason

From: noreen norwood [REDACTED]
Sent: Wednesday, December 19, 2018 8:24 PM
To: Sands,Jason
Subject: Nordic Spa

Nordic spa in Battersea, yes please! Great idea!
Noreen Norwood

Sands,Jason

From: Marilyn O'Connor [REDACTED]
Sent: Wednesday, December 19, 2018 10:41 AM
To: Sands,Jason
Subject: Unity Spa Project

As a nearby resident on Buck Lake, I fully support the Unity Spa project and think it would be an extremely valuable asset to Kingston and the surrounding areas!

Marilyn O'Connor

Sands,Jason

From: Linda O'Neill [REDACTED]
Sent: Monday, October 01, 2018 2:19 PM
To: info@randyhillier.com; Mayor of Kingston
Cc: Sands,Jason; IArthur-CO@ndp.on.ca
Subject: Countryside-Environmental Concern

Greetings to Mayor Paterson and to our MPP Randy Hillier,

I am writing on behalf of myself and my husband, Jeff O'Neill, residents of 2470 Battersea Road, Countryside residents, to register our concerns about a large business project by BPE Development, that is rapidly proceeding - without permits - on land designated as agricultural. BPE's spa project proceeds legally because of what is an apparent loophole in our municipal laws. As I write, despite City Hall reps being fully aware of their business intention(as opposed to agricultural intention) and, despite their ongoing failure to present a business plan, large excavations and deep well drilling is happening without going through appropriate channels; channels that are there to protect residents and neighbourhoods.

I and Jeff O'Neill, my husband. share the following concerns:

1 **Neighbouring Water Supply** The water used by the spa and the up to 400 daily guests that they plan to have will be large and could, in the near future or in years to come, jeopardize the water supply of close-by neighbours as well as neighbours like ourselves who are a kilometre or more away. Spas require unusually large amounts of water and, as mentioned BPE is already digging deep. The city is failing to use the city's laws that were designed to protect neighbours from this very thing, although they are aware that this planned water demand is not for agricultural purposes. The bizarre explanation for the city's failure to stop this project until it has appropriate permits and inspections is that BPE has failed to submit their business plan/application, that their land therefore continues to be designated agriculture and therefore the city's hands are tied and the proposed business project can legally proceed. Even a pond is being dug out of the bedrock. City employees have been to the site, know that this activity is for business as opposed to agricultural purposes and yet BPE is not stopped, not stopped although the city is fully aware that neighbours fear that their water supply may be diminished now, or in years to come. If this shortage comes to be, it is the local homeowners who will have to pay for digging their wells deeper or, more likely, lose their supply entirely. The city is responsible for addressing any loopholes that would allow this to happen. **Why has development activity not been halted by order of the city?**

2. **Reduction in Property Values as Result of Possible Well Water Shortage** Part of the reason we purchased a home in this area 12 years ago was because there were no issues regarding well water supply. If there are well issues now or in years to come due to this commercial venture, the market value of our home will decrease, costing us thousands and threatening our financial security. **Again, why no action on the city's part to ensure that the proper channels are being followed and the proper inspections happening?**

3. A dramatic increase in traffic will be passing in front of our home and at the nearby intersection of Montreal and Unity Roads.

4. Our neighbours are having some of their livelihood (boarding horses, children riding horses) threatened because of water issues, noise issues and the close proximity of this business project abutting onto agricultural land.

5. If the spa venture does not work out or if the developers simply decide to get out of the business, this property could eventually be sold to another corporation that is even more invasive and inappropriate to our rural setting.

All of the above concerns would not be issues if this was a smaller business project, perhaps one that would service 100 as opposed to 400 guests. We must and do accept that development will happen, however the magnitude of this project is substantially out of proportion to its surroundings, our rural neighbourhood.

Please let us know if you intend to take effective action and what that action might be.

Sincerely,

Linda and Jeff O'Neill

Sands,Jason

From: [REDACTED]
Sent: Tuesday, December 11, 2018 7:04 AM
To: Sands,Jason
Subject: Unity Spa

Just a quick note to say I am so excited to the possibility of Unity Spa coming within one kilometre of my home!

My little community has so much potential for growth and now I believe we have the right people on board to help us grow!

Wishing you a great day!
Laurie Patterson-Twort

Sands,Jason

From: MIKE PAUL [REDACTED]
Sent: Wednesday, December 12, 2018 3:59 PM
To: Sands,Jason
Subject: UNITY INN & SPA PROJECT

To Whom it may concern,

I am writing in regards to the development of the exciting and new project BPE, a local company is embarking on. They employ 70 people here in Kingston and are dedicated to building and enriching the community through various business ventures, this being their newest one. The new project will consist of an Inn, Spa, Restaurant, Venue and Cabins. These will all create new jobs and local partnerships in the community that will create economic growth for many. In the design they are protecting the existing farmstead as well as the agricultural land by being self sustaining, through water conservation, waster water treatment, geo thermal heating and cooling just to mention a few. They will rejuvenate this historic farm and ensure it's longevity and as I mentioned before enrich the community. I know for myself and many friends and family that we are very excited to see this all come together and think it would be very beneficial to the city of Kingston and a huge tourist draw.

Thank you,
Lee-Anne Paul

Sands,Jason

From: David Pentney [REDACTED]
Sent: Sunday, December 09, 2018 12:48 PM
To: Sands,Jason
Cc: Oosterhof,Gary; Mayor of Kingston
Subject: 2285 Battersea Rd
Attachments: 2285 Battersea Road_Project Overview.pdf; ATT00001.htm

Jason.

Attached is the brochure that I mentioned in my previous email.

Let me clear on my personal view. I **do not** support the rezoning of this property. This is agricultural land that, in my view, should be retained as agricultural land. Commercial development on this site would fundamentally change the character of the local environment. There would be reduced privacy for those landowners in the immediate area, increased traffic on both Battersea and Unity Roads affecting all residents, and increased noise levels.

Notwithstanding the assurances from BPE, water continues to be a huge concern for all those in the local area.

David Pentney
874 Unity Rd
Glenburnie, ON. K0H 1S0

Sands,Jason

From: David Pentney [REDACTED]
Sent: Thursday, November 01, 2018 10:09 AM
To: Lasko,Tyler
Cc: BJ Raymond; Sands,Jason; Oosterhof,Gary
Subject: Right of Way Through Raymond's Property

Hello Tyler,

I am writing in my capacity as Chair of the Glenburnie Residents' Association.

I know that BJ and Suzanne Raymond have been in contact with you regarding the use of the right of way that runs across their property from Battersea Rd to the property registered to currently registered to 2622993 ONTARIO INC. We know, because BPE has told us, that they own this property and that it is an integral part of their planned Unity Inn and Spa development.

We have a clear understanding that there is no legal recourse to block the use of this right of way; however, I believe your department does have a say on the design and use of the entrance. Unlike the entrance that BPE installed off of Unity Rd, this entrance does not access the property directly, but will be created on the Battersea Rd right of way before crossing private land. Unlike the Unity entrance that provided access to a residence on land zoned A2, and that had been used for agriculture, the piece of property this entrance would give access to is a small woodlot, albeit still zoned A2.

It would be our preference that no entrance be approved here before the site plan for Unity Inn and Spa is approved. Sadly, past experience tells us that this may not be the case. If an entrance is approved prior to site plan approval, then we ask that approval be based on the limited use required to service a minor woodlot and that its dimensions take into consideration that the road leading from that entrance will be crossing private land.

Thank you for your consideration.

Dave

David Pentney
Chair
Glenburnie Residents' Association

Sands,Jason

From: Lasko,Tyler
Sent: Tuesday, January 15, 2019 8:58 AM
To: Boehme, Ryan N.; [REDACTED]
Cc: Sands,Jason
Subject: FW: Glenburnie Residents' Association Meeting - Municipal Representation

Good Morning Councillor Boehme and Mr. Pentney.

I can confirm that an entrance permit was issued by the City for the requested access on Unity Road as it met the merits of the City's review considering the current permitted uses on site. Regarding the current activities on the subject lands, Staff are in the process of reviewing compliance with the City's Site Alteration By-Law however I do not have details to report at this time. We appreciate the concerns of the community and are working to review this matter with the Owner to resolve a decision. I can commit to updating you when we have further information to report.

As your inquiry below regards the larger development proposal I am copying Jason Sands, Senior Planner for awareness as the Planning lead for this file.

Regards,



Tyler Lasko, P.Eng.

Manager, Design & Development
Engineering Services Department

City of Kingston
Located at 1211 John Counter Boulevard
216 Ontario Street Kingston, ON K7L 2Z3
(613) 546-4291, ext. 2307
tlasko@cityofkingston.ca



From: Boehme, Ryan N.
Sent: Tuesday, January 15, 2019 7:48 AM
To: David Pentney
Cc: Lasko,Tyler
Subject: Re: Glenburnie Residents' Association Meeting - Municipal Representation

Hello Mr. Pentney,

Thank you for the email. I have been following this development somewhat as it progresses.

I have ccd Mr. Lasko in so that he could provide the update you had alluded to in your email. I believe staff have been monitoring this projects progress as well and from what I understand in updates is the project is still within the bounds of what is allowed based on what staff has indicated. I understand that is part of what is under contention here.

From my i have heard it seems that water is the biggest worry of most.

I have driven past the property numerous times as I often take my family and go for drives out that way.

Let's wait to see what updates Mr. Lasko can provide and go from there.

Cheers,

Ryan

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: David Pentney [REDACTED]

Date: 2019-01-14 1:02 PM (GMT-05:00)

To: "Boehme, Ryan N." [REDACTED]

Subject: Re: Glenburnie Residents' Association Meeting - Municipal Representation

Councilor Boehme,

Thank you for stepping up for Councilor Oosterhof until the complaint made against him has been resolved.

The major issue that the the Glenburnie Residents' Association (GRA) is dealing with at the moment is the ongoing development at 2285 Battersea Rd.

BPE Development is proposing to build at Inn and Spa at this site. You can find the BPE proposal at: <https://www.2285battersea-unityproject.ca/>

This project will require an Official Plan amendment and re-zoning. Notwithstanding that BPE has only completed Step one of the Planning Process, continuous work has been ongoing on this site since last summer to prepare it for the proposed development. To date only two permits have been issued, both under the current General Agricultural zoning. A building permit was issued to relocate a small barn and an entrance permit was issued for an entrance for a "driveway" off of Unity Rd. Although the BPE proposal clearly identifies the small barn as being an equipment storage building for their proposed development and the entrance as as entrance for an access road for deliveries and staff parking, City Planning and Engineering staff have approved these permits based on current zoning.

There has been considerable digging and rock-breaking on site to the point that all of the foundations for the proposed buildings and spa complex have now been excavated. From the City Planning perspective, this work is allowed. We fundamentally disagree. The City is well aware of the proposal and that the work being done has nothing to do with any of the 13 allowed uses for the current zoning as detailed at By-Law 76-26. I have challenged the City to answer the question if this work has violated the City's By-law 2008-128 Site Alteration. I am awaiting a response from the City Engineering Department on that challenge. You might consider asking Tyler Lasko from the City Engineering Department about this.

Local residents have a number of concerns with this proposed development, with water being the principal concern. We are all on wells and water in this area is a challenge. The City's Official plan identify this site as having moderate to high ground water sensitivity (Schedule 11A) and being highly vulnerable from a source water perspective (schedule 11B).

Other significant concerns are increased traffic, noise and the fact that this development would fundamentally change the character of the local neighbourhood.

You can find more detail on the community perspective on the GRA Website: www.glenburnie.ca

Once again, thank you for stepping up for Councilor Oosterhof. I will keep you posted on any information updates that GRA puts out.

If you have an opportunity, I would invite you to pay a visit to the area to get a better understanding of the scale of the work that has already taken place. Feel free to stop at my residence (874 Unity Rd) for a perspective from an adjoining property.

Respectfully,

Dave Pentney
Chair
Glenburnie Residents' Association
[REDACTED]

On Monday, January 14, 2019, 8:35:21 a.m. EST, Mayor of Kingston <mayor@cityofkingston.ca> wrote:

Dear Mr. Pentney,

Thank you for your note, and yes I do understand the rationale for your request for an alternate member of council to attend your meetings in the future. Councillor Boehme, who I have copied on this email, has agreed to fill in for Councillor Oosterhof, provided that you are able to coordinate with him ahead of time to ensure that future meetings work in his schedule.

Best regards,

Bryan



Bryan Paterson

Mayor

City of Kingston

City Hall



216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 ext. 1400

mayor@cityofkingston.ca

Connect with me



From: David Pentney [REDACTED]
Sent: Thursday, January 10, 2019 8:34 AM
To: Mayor of Kingston
Cc: Rick MacFarlane; Wendy Deslauriers; Doug Barbour; Holly D'Angelo-Scott; Cameron Liblik
Subject: Re: Glenburnie Residents' Association Meeting - Municipal Representation

Your Worship,

We did have our meeting last evening, unfortunately without an elected representative present to hear our concerns. The fact that an elected representative was not present was a major concern of the members. We feel strongly that a member of Council should be available to hear our concerns and to provide political insight.

We have no idea when, or if, our Councillor, Gary Oosterhof, will be able to engage with us again. Until he is available, we ask that another Councillor be assigned to support our Association.

Thank you for your consideration.

David Pentney

Chair

Glenburnie Residents' Association

On Tuesday, January 8, 2019, 2:09:44 p.m. EST, Mayor of Kingston <mayor@cityofkingston.ca> wrote:

Good afternoon Mr. Pentney,

Thank you for reaching out to Mayor Paterson regarding tomorrow evening's meeting. Regrettably, neither Mayor Paterson or Councillor Boehme are able to attend on this short notice. If you'd like representation for future meetings, please don't hesitate to contact us again. If possible, we kindly ask for as much prior notice as possible in order to accommodate your request.

Warm regards,

Kayla



Kayla Harry

Mayor's Office Assistant

City of Kingston

City Hall

216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 ext. 1411

kharry@cityofkingston.ca



From: David Pentney [REDACTED]
Sent: Monday, January 07, 2019 3:17 PM
To: Mayor of Kingston
Subject: Glenburnie Residents' Association Meeting - Municipal Representation

Your Worship,

There will be a Glenburnie Residents' Association Meeting at Fire Hall #8 on Wednesday, January 9th at 7:00 PM.

A copy of the Agenda is attached.

Normally our Councillor, Gary Oosterhof, would attend; however, I have just learned that an allegation of conflict of interest has been made against him with respect to the ongoing/proposed development at 2285 Battersea Rd. As you can see from the agenda, this is a topic for our meeting. It is my understanding that pending the investigation of the conflict of interest allegation, Councillor Oosterhof is precluded from participating in any discussion of this development.

I believe that it is important that an elected representative of the City attend this meeting to hear the discussion concerning this development and to provide the attendees with feedback from a municipal perspective. Given that Councillor Oosterhof is precluded from attending, I ask that another Councillor be provided. Given the rural characteristics of his district, I believe that Councillor Ryan Boehm would be an ideal representative if he is available.

David Pentney

Chair

Glenburnie Residents' Association

[REDACTED]

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Sands,Jason

From: Celia Piper [REDACTED]
Sent: Saturday, December 15, 2018 7:13 AM
To: Sands,Jason
Subject: Unity Inn & Spa

Hello Jeff:. I wanted to contact you and express my 100% support for this project. I am a resident of the Trillium district here in Kingston, local business owner, parent, and advocate for wellness and relaxation. This spa is EXACTLY what the city of Kingston needs.

I currently travel to LeNordik spa in Chelsea, Quebec, usually on a monthly basis and sometimes more frequently. I don't enjoy the long drive, I would rather visit somewhere nearby, however the city doesn't offer that type of spa experience. Fingers crossed, until now!

I sincerely hope that this project is approved, I would love to spend my hard earned pay cheque at a local spa, support a local business owner and see more jobs created in our area.

The location and artistic renderings look fantastic, as does the aesthetic of the spa. It seems that the owners have done every study available to ensure a smooth experience for surrounding residents.

If there is anything I can do to assist you, please let me know. I am so excited, I am checking the websites regularly for updates.

Thank you!

Warm regards,

Celia Piper

Sands,Jason

From: mike purdon [REDACTED]
Sent: Tuesday, December 11, 2018 10:52 AM
To: Sands,Jason
Subject: Unity Inn & Spa

I am writing in regard to Unity Inn and Spa. My wife and I were born, raised and worked 40 years in the Kingston area. We currently live in South Frontenac and travel through the Glenburnie area on a regular basis. I understand there are objections to this development which seem premature since the studies that are required are not complete and submitted. If all guidelines are followed and well testing passes standards which would be a legitimate concern I think these concerns are unwarranted. This could be a facility that brings the community together, increases tax base, is something that the Kingston area does not currently have and could attract people to the area to visit other Kingston venues. It will create jobs during the construction phase and also when it is completed. Your consideration in this matter is appreciated.

Cheers
Mike & JoAnn Purdon

Sands,Jason

From: Corinne Sands [REDACTED]
Sent: Friday, December 14, 2018 7:20 AM
To: Sands,Jason
Subject: Unity Inn & Spa

Hello,

This email is being sent to show our strong support for this project.

This project can only enhance our local community while preserving its history at the same time. It will create employment opportunities for local businesses during the building phase, as well as after its completion including various partnerships with local suppliers.

This is a huge investment that is welcoming input from the community so that all concerns can be addressed. This project has been well planned, is eco-friendly and offers the opportunity to boost our local economy.

We stand behind this project one hundred percent.

Best regards,

Corinne and Brian Sands

Get [Outlook for Android](#)

Sands,Jason

From: Diana Bobotisenis [REDACTED]
Sent: Saturday, February 16, 2019 8:13 PM
To: Sands,Jason
Subject: Unity spa

Hello mr. Sands,

My name is Diana Boboti Senis and I am the coordinator of the esthetician program at St. Lawrence College.

I am writing you in support of the proposed unity spa project.

Because of my position as a coordinator I am in close contact with all of the esthetic salons and day spas and we work closely together.

Every year we struggle to find enough field placements for all 40 / 60 students.

Opening a spa of that calibre not only will create more placement positions for our students but also create employment opportunities after graduation.

As well as a destination spa will bring more tourist dollars to Kingston.

Yours sincerely
Diana B Senis

Sent from my iPhone

Sands,Jason

From: Erika Splinter [REDACTED]
Sent: Tuesday, December 11, 2018 2:37 PM
To: Sands,Jason
Subject: Unity Inn and Spa: Letter of support

Hi. My name is Erika Splinter. My husband Matt and our 2 daughters Stella and Ruby live right across the road from where the Unity Inn and Spa is planned to go.

I wanted to send a letter to voice our support for this amazing project. From the moment we heard about the plans we were excited to see it come to life.

Matt and I bought my grandfather's home (where I grew up as a child) almost 10 years ago and have no plans to leave...ever! This will be our forever home.

Glenburnie It is such a beautiful place to live. It is so exciting to watch Glenburnie grow and flurish with new family-owned businesses. These businesses help connect our small community and encourage others to want to visit (which in turn brings in revenue AND attracts other families to want to move here).

This spa will be an incredible attribute to Glenburnie. It will not only offer potential jobs but also solace from our everyday busy lives.

Glenburnie is so lucky and should be very proud to be the home of this incredible, unique project.

Erika Splinter

Sands,Jason

From: Agnew,Paige
Sent: Wednesday, July 04, 2018 3:25 PM
To: 'Elizabeth Sund'
Cc: Sands,Jason
Subject: RE: Unity Inn and Spa

Hi Elizabeth,

Thanks for your message. I will ensure the correspondence is added to the file and you will receive notification should we receive applications for this property.

Best regards,
Paige

Paige Agnew, MCIP, RPP
Chief Planner & Director of Planning, Building, Licensing Services
Community Services



1211 John Counter Boulevard Kingston, ON K7K 6C7

City of Kingston

216 Ontario Street Kingston, ON K7L 2Z3

(613) 546-4291 extension 3252

pagnew@cityofkingston.ca

Follow my Blog @ <https://www.cityofkingston.ca/business/planning-and-development/official-plan/blog>



From: Elizabeth Sund [REDACTED]
Sent: Tuesday, July 03, 2018 7:08 PM
To: Agnew,Paige
Subject: Unity Inn and Spa

Good evening. Could you please add me to the contact list for I information on the proposed Unity Inn ansSpa?
Thank you

Elizabeth Sund
Co-chair
Glenburnie School Council
--
Elizabeth Sund

Sands,Jason

From: Diane Taggart [REDACTED]
Sent: Wednesday, December 19, 2018 6:29 PM
To: Sands,Jason
Subject: Unity spa

Hi,
I support the development of the Unity spa and can't wait to use it!!

Diane Taggart

Sands,Jason

From: JENNIFER THOMAS [REDACTED]
Sent: Sunday, December 16, 2018 7:41 PM
To: Sands,Jason
Subject: coming to Kingston, ON.....

Good day Mr. Sands,

I am writing to you with such delight in my soul. As I begin to sketch my personal calendar for twenty nineteen, I am once again fondly looking forward to visiting my dear friends in your incredible city.....I came across rousing news via the internet. I happen to be referencing the Unity Inn & Spa project. As a hospitality industry professional, The City of Kingston must be ecstatic to be adding a historic inn & spa to your lovely destination. I can hardly wait to be able to share a day with my friends to relax at the spa and imbibe in the exquisite farm-to-table offerings that are listed as being a part of the plans at the property. Another great reason to continue my annual crusade to your lovely city.

I will be keeping a watchful eye on updates to this noteworthy project. My plans are to travel to Kingston in the Fall of 2019. Have a great holiday season.

all the best,
jennifer wirth thomas
[REDACTED]

Sands,Jason

From: Allyson Tonelli [REDACTED]
Sent: Friday, December 07, 2018 1:58 PM
To: Sands,Jason
Subject: 2285 Battersea Road Project

Hello Mr. Sands,

I am sending this letter on behalf of the Battersea Road Project and advising you of my support of this project. Kingston and its surrounding areas is missing out on a spa like this. It will have a great economic benefit to the city, not to mention we will all be much more relaxed (something this city seriously needs)! Thank you!

Allyson

--

Allyson Tonelli

Sands,Jason

From: Bob Twort [REDACTED]
Sent: Tuesday, December 11, 2018 5:18 PM
To: Sands,Jason
Subject: 2285 Battersea Road

Wish to express that I am in full support that 2285 Battersea Road be developed by BPE.

Sent from my iPhone

Sands,Jason

From: Dan van Staalduinen [REDACTED]
Sent: Wednesday, December 12, 2018 10:43 AM
To: Sands,Jason
Subject: Unity Project - 2285 Battersea

Good Morning,

I'm writing to voice my support for the Unity Spa project by Ben & Michelle Pilon.

I'm a firm supporter of development in the area that will not only help Kingston in providing jobs and economic growth, but also be sustainable and maintain the rich history of Kingston.

This is something that I believe Ben & Michelle are taking very serious with this project. Shown by there dedication to minimizing their impact on the environment, the local community and their plan to incorporate the existing structures into their plans.

This dedication is why I support this project, and would be a good benchmark for future projects to follow in Kingston.

Thanks for your time,
Dan van Staalduinen

Sands,Jason

From: Amanda Vanderhaar [REDACTED]
Sent: Wednesday, December 05, 2018 11:28 AM
To: Sands,Jason
Cc: 'Benjamin Pilon'; Michelle Pilon
Subject: Unity Inn & Spa

Hi Jason,

I am writing you today with a letter of support for the Unity Inn & Spa project, located in Glenburnie at the corner of Battersea and Unity Roads. I am a resident of Kingston, but spent my childhood in South Frontenac, which allowed me to drive past the beautiful limestone farm house at the centre of the Pilon's future development my whole life. This property has always been beautiful, but over the years has become overgrown, and prior to Michelle and Ben purchasing the property, it started to look more than a little tired. I was elated to learn that the Pilon's had purchased the property after it sitting on the market for quite some time. Their track record for respecting heritage and history is evident in, quite literally all properties they are involved in. Their vision allows for preservation of the past, while introducing a modernized vision is just the type of thing Kingston needs more of. For the last 8 years or so I have worked in the area of employment in Provincially and Federally funded programs providing Employment Counselling , and more recently working with employers to try and connect them with resources for hiring. Kingston has incredible educational institutions with students and future graduates who are eager to stay in the Kingston region after completing their education, but in my experience many students are leaving the area because the employment prospects are, in some cases, dismal. I have the great fortune of working with students every day in my role at St. Lawrence College, and I can say with confidence that there are student who would jump at the chance to work for Ben and Michelle at any of their projects. I wanted to take the time to outline for you some of the programs available at St. Lawrence that would be directly impacted in a positive way from this development.

St. Lawrence College Program
Advertising & Marketing Communication
Bachelor of Business Administration
Biotechnology Advanced Diploma
Business – Accounting
Business - Human Resources
Business Management
Carpentry Techniques
Cook Apprenticeship
Culinary Management
Fitness & Health Promotion
Landscape Gardener
Office Administration
Tourism

This chart doesn't even consider all the trades people, that will find work as a result of this project now, and in future, including carpenters, electricians, engineers, project managers, roofers, laborers etc. – the list is endless. I have shared the Pilon's idea with many friends and colleagues and have been met with an overwhelming message of excitement and expression of "finally" something new and exciting might be coming to Kingston. I can't speak for all Kingstonians, but

my circle of friends, colleagues and family are eager for change, growth and “new” ideas from our community innovators. Another point to consider, aside from the employment, and the excitement that comes from a new business coming to Kingston is that Michelle and Ben are investing in *their* community. They see the possibilities, they’ve put down roots here, and have helped to employ many staff – they aren’t going anywhere. I am always more eager to get behind projects when I know it won’t soon be an afterthought from an investor who has no ties to our community. From what I know of Ben and Michelle, they’ll be working right alongside their staff on the frontline to help ensure their business can bring as much to our community as possible.

Thank you so much for your time, and your consideration of my letter.

With kind regards,



Amanda Vanderhaar

Client Advisor, Career Services

[REDACTED]

[REDACTED]

[Website](#) | [Twitter](#) | [Facebook](#)

Sands,Jason

From: Nancy Watson [REDACTED]
Sent: Friday, December 21, 2018 12:10 PM
To: Sands,Jason
Subject: Unity Spa

I support the Unity Spa project.

--

Nancy Watson
Bass in Greater Kingston Chorus & Walkin' on Sunshine quartet
Master Director Sweet Adelines

Sands,Jason

From: [REDACTED]
Sent: Tuesday, December 11, 2018 4:48 PM
To: Sands,Jason
Subject: Unity Spa - Letter of Support for Project

Dear Jason,

I am writing in support of the proposed re-zoning to allow the subject project to proceed. This kind of development is incredibly low-impact and in keeping with the surrounding area. As important, it will create a good number of jobs, bring tourist dollars to Kingston and add to the tax base. I understand that a few immediate neighbours oppose the project, but these objections are based completely on self-interest and ignore the many benefits to the larger community. It would be a shame if we allow a few self-interested NIMBY's to curtail development and exacerbate the widened tax deficit. As I'm sure is recognized, the only option to widening the tax base is to increase taxes. I am certain that these same individuals will be the first, and the loudest, to complain when tax rates are increased by necessity.

I would appreciate if you would pass this note to the councillors for consideration. I thank you in advance.

Kind regards,

Cameron Wilson
4110 Stone Point Road
Inverary, ON
K0H 1X0

Sands,Jason

From: Roger Wilson [REDACTED]
Sent: Wednesday, February 20, 2019 2:16 PM
To: Sands,Jason
Subject: Unity Inn & Spa Project

Dear Mr. Sands,

The purpose of this short note is simply to inform the Planning, Building & Licensing Services department of my strong support for the proposed Unity Inn & Spa project.

I have absolutely no vested personal interest in this project, but am extremely impressed with the level of thought and detail that has gone into the proposed project details to-date. As a proud Kingston resident, I can see this facility being a real "destination venue" for the city and region, appealing to locals and visitors/tourists alike. Plus, the BPE Group's stated vision for the property and focus on environmental sustainability fits perfectly with Kingston's commitment to be seen as one of Canada's most sustainable communities.

Sincere thanks to you and your associates in the city planning division for all the great work you do day-in and day-out, and for giving visionary projects like the Unity Inn & Spa your serious consideration.

Best regards,
Roger Wilson

128 Welborne Ave,
Kingston, ON K7M 4E9
[REDACTED]

Sands,Jason

From: Agnew,Paige
Sent: Wednesday, July 04, 2018 3:23 PM
To: 'Jacklyn Wright'
Cc: Sands,Jason
Subject: RE: Unity Inn & Spa

Hi Jacklyn,

Thanks for your message. I will ensure the correspondence is added to the file and you will receive notification should we receive applications for this property.

Best regards,
Paige

Paige Agnew, MCIP, RPP
Chief Planner & Director of Planning, Building, Licensing Services
Community Services



1211 John Counter Boulevard Kingston, ON K7K 6C7

City of Kingston

216 Ontario Street Kingston, ON K7L 2Z3

(613) 546-4291 extension 3252

pagnew@cityofkingston.ca

Follow my Blog @ <https://www.cityofkingston.ca/business/planning-and-development/official-plan/blog>



From: Jacklyn Wright [REDACTED]
Sent: Wednesday, July 04, 2018 2:52 PM
To: Agnew,Paige
Subject: Unity Inn & Spa

Good afternoon, Paige,

I got your contact information from Jim Neill - he gave out your digits at the information session at the Glenburnie United Church yesterday, regarding the proposed Unity Inn and Spa. As the director of planning, I wanted to let you know that we think this is a wonderful proposal! When we saw the signs of development on the property kitty-corner to our kids' school we were worried that it would be made into executive homes or a gas station or something - this is the best use of the land I can think of. The house remains (and gets the attention it needs), the land remains permeable (yes, some land coverage, but not a paved parking lot as a gas station would be), and frankly, quiet neighbours.

I would be happy for you to share this email with the rest of the planning committee and the council as a whole - I wanted to make sure you received letters of support for this venture so you'd have a balanced view of how the neighbourhood feels.

Can't wait to see how it all develops.

Thank you,
Jacklyn Wright
1133 Unity Road, Glenburnie

Sent from [Outlook](#)

Sands,Jason

From: Jacklyn Wright [REDACTED]
Sent: Wednesday, December 05, 2018 12:11 PM
To: Sands,Jason
Cc: Oosterhof,Gary
Subject: Unity Spa (2285 Battersea Road)

Dear Jason,

I am writing to express my support for the new Unity Spa proposal at 2285 Battersea Road. As a resident of Glenburnie I am very excited for this new business in our community. I see many reasons to support this development, including:

- jobs in our neighbourhood - there are many kids and teens in our area and they can't all work at the Glenburnie Grocery! There will be all levels of jobs created (from lawn mowing to kitchen help to professionals) and our area is in desperate need of that.
- preservation of the property - given the amount of property on that corner, when we saw the "for sale" sign we were worried about a dozen houses being built or another gas station going in, or anything that would tear down that beautiful (but in need of repairs) limestone house. I can't believe how lucky we are that not only is the property being preserved, it's being enhanced! As the owner of a 100-year-old home on Unity Road, we know how costly upkeep and improvement can be, and we wouldn't likely see an individual home-owner who could save the house and barn at 2285 Battersea the way BPE can.
- prosperity in the future - given our distance from city services (sewer, water) our area has been minimally developed. I am the first to say I don't want Glenburnie to be the next Bayridge, but we know the land around us is owned by an aging demographic. With Unity Spa setting the tone for our hamlet (following the tone of the Glenburnie Grocery, which is also a fabulous building/business) we stand to benefit from these examples for future developments.
- BPE has a proven track record in Kingston - looking at the properties they have purchased and renovated in our town I see attention to all the details that are important - heritage, beauty, accessibility, sustainability. I feel like Ben Pilon is following in the footsteps of Henk Doornekamp for respecting buildings and returning them to the splendour they once enjoyed.


I, like many others, have attended the community information sessions. I understand everyone's concerns about water, public safety (I have kids that go to the Glenburnie Public School across the intersection from the proposed Spa), and what this will mean for our community. I feel that BPE has responded to all these concerns, and I think a Spa is a remarkable addition to our community. I am really pleased with the water plans put forth from BPE and feel that other businesses can learn from this installation as well.

If you look around our community you can see that the commercial buildings are slowly being updated - the strip-mall at Shannon's Corners (across from Fire Station 8) has recently been resided with stone added to the facade; the gas station at the Glenburnie Convenience (behind Station 8) has been revitalized in the past 2 months or so and looks nearly ready to open officially. We often dream of the Glenburnie Convenience store having some kind of upgrade - they have a lunch counter, but it would be great to have a restaurant in our neighbourhood. We definitely plan to go to the restaurant at Unity Spa. Perhaps these upgrades and additions to Glenburnie will see a revitalization of the convenience store, too! Our whole family has enjoyed

the additions and updates to the Shannon's Corners park that the city has been doing. We love our community and think the spa would be a great addition to it.

I look forward to attending the official public meeting after BPE completes their studies and submits their application to the city. In the meantime, please accept this as my family's support for the Unity Spa.

Thank you for your time.

Jacklyn Wright
1133 Unity Road, Glenburnie


Jason Sands
Senior Planner, Planning Dept.
City of Kingston
1211 John Counter Blvd
Kingston, K7K6C7

Re: 2285 Battersea Road, Glenburnie
Proposed Unity Inn & Spa

For the record, I live approximately 300 feet from the proposed site. My family and I have lived at 796 Unity Rd, Glenburnie since 1986. We are gravely concerned about the future state of the quality and quantity of our well water.

During 2018 I have attended a number of meetings in Glenburnie relating to the proposed project at 2285 Battersea Rd. It is important to note that the owner of BPE has changed his plans for the site as opposition has intensified. At one time, he proposed to build a large building for weddings and meeting space for business and conferences. Initially, he proposed to build a large septic bed to hold human waste from 3 to 4 hundred people visiting and working daily at the site. His plans included building a large building attached to the limestone house, including 17 bedrooms, 60 seat restaurant and office space for staff. Further, he plans on building a large spa building and 3 or 4 large hot tubs next door. In addition, he wants to build 39 small houses on the land with separate water and sewer. Finally, he plans on growing grape vines, flowers and vegetables and hops which can be used for wellness projects, food and beverages.

The main objection to this ambitious project is the need for plenty of water. The owner has constructed 3 large deep wells to supply water for the project. Yes, some ponds will be dug to help with water. We are concerned about that well water for our property and other close by neighbours that could be adversely affected in future years. Without good water our real estate value will decline sharply. With the constant drilling, blasting, and rock hammering my water quality today has been adversely affected.

I strongly recommend that the mayor and city counsellors not approve this project.

In my view, the development plan by PBE for a spa and inn should be where city water and sewer services are present. This project is not right for rural lands.

Yours truly

796 Unity Rd. Glenburnie K0H1S0

George Caron
George Caron

please provide copies for mayor and all counsellors

Mr. Jason Sands
Senior Planner,
Community Services , Planning, Building, Licensing
City of Kingston.

Wednesday, December 19, 2018

Re: PROPOSED UNITY ROAD INN & SPA

Mr. Sands,

I am writing in support of the Inn & Spa proposal for Unity Road, in the City of Kingston. I believe a development of this nature would afford clients the unique opportunity to partake in tranquil spa activities while surrounded by nature, in this stunning rural setting.

From an economic perspective this project would create interim construction jobs and spin-offs as well as several permanent full-time jobs that will provide employment to area residents. In addition, there will be a substantial increase in municipal tax revenues that the City of Kingston will receive annually.

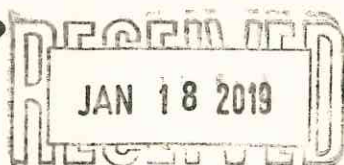
Mr. Ben Pilon an accomplished entrepreneur and his company BPE are well established in the Kingston area and have a proven, successful track record in commercial development. As a local developer, I am confident that his pride of ownership will ensure this becomes a quality venue, to be enjoyed by not only Kingston residents but patrons from all over eastern Ontario as well.

Sincerely,



John Patrick
Certified Main Street Business Broker
President | Sales Representative
Sunbelt Kingston | Sunbelt Business Brokers BIZCAP Brokerage
920 Sydenham Road
Kingston, ON K7M 3L7

Jan 17, 2019

2134 Battered Road
Glenburnie, Ont.
K0H 1S0

Dear Jason Sands,

Our family is totally opposed to re-zoning the property at 2285 Battered Road.

The proposed commercial operation would always be drawing water from the very aquifer that provides water to all the surrounding homes. Potentially the operation would use more water than the aquifer could provide for the well of the existing rural homes.

The self-serving commercial enterprise would be built at the expense of the established agricultural and farming community.

Re-zoning would neither be beneficial nor complementary to the surrounding Glenburnie area landowners.

It is disgraceful that the destruction of the agricultural land has continued at

2285 Battered Road

Yours truly
Linda Williams

Michael Gabryel
2225 Battersea Rd
Glenburnie, ON
K0H 1S0
[REDACTED]

15 Jan 2019

SUPPORT LETTER – UNITY INN AND SPA

To whom it may concern:

I would like to express my views on the proposal to build the Unity Inn and Spa, at 2285 Battersea Rd, Glenburnie, ON. As a Glenburnie local, living only 300 meters away from the proposed spa location, I am one of the residents who will be most intimately affected by this project.

I believe that this project will have a very positive affect on the community. A project of this magnitude will bring necessary amenities that are currently lacking, and in accordance with BPE's proposal, I do not believe that it will take away from the tranquility of this rural area. Further, I believe that nearby homeowners, myself included, will benefit as a result of an increase in real estate value. My wife is equally excited at this potential, and our families and friends have already expressed an interest in using these spa facilities when they visit.

I attended the town hall meetings held by BPE at the Glenburnie United Church and listened to concerns expressed by some of the local residents. In my opinion, those concerns were largely unfounded. The few legitimate concerns have been addressed by the studies that were completed, namely the Hydrogeological Study.

My wife and I, our friends, and our extended families support this project. Please do not hesitate to contact me should you have any questions.



Michael Gabryel

Sands,Jason

From: sonya.bianchet sonya.bianchet [REDACTED]
Sent: Tuesday, February 12, 2019 11:45 AM
To: Sands,Jason
Subject: 2285 Battersea Rd - application D10-001-2019

Mr. Sands,

I'd like to express some concerns about the proposed application to change lot lines at 2285 Battersea Rd.

I am, admittedly, a little fuzzy on the details of the proposed applications as I'm not accustomed to reviewing DASH applications, so I'm not sure if my comments are justified but I wanted the opportunity to raise my questions/concerns.

Application D10-001-2019 states that No changes in land use are proposed as a result of this Consent application, but we know that there is an intent to build additional facilities on this property for the proposed Unity Inn and Spa. My concern is that this "stepwise" approach seems like a way to circumvent the system for building, entrance permits, land use, zoning, etc. Since we know there is an intent to submit a re-zoning application, shouldn't any changes to lot lines be considered as part of BPE's larger development plan? In addition, the application has information under Severance Description. Is this actually a severance application or just a request to move lot lines? Is it 2 lots on one parcel, or 2 parcels with one address?

D20-011-2019 is an application regarding civic addressing, but I don't understand the details of what is being requested. Is BPE requesting a severance and 2nd civic address for these 2 parcels at 2285 Battersea Road? If so, is this an intent to circumvent the system in order to put in an additional driveway off of Battersea Rd? Again, without fully understanding the nature of this application, my concern is that this "stepwise" approach seems like a way to circumvent the system. Since we know there is an intent to submit a re-zoning application, shouldn't any changes to lot lines, severance, and civic address be considered as part of BPE's larger development plan?

I'm aware that there is a "3rd" (or 2nd??) property to the NW that was purchased by Mr. Pilon or a numbered company which appears to be the shadow lot on the map, though I'm not certain if that is what I'm looking at. I understand that there is also an intent or desire to add an additional entrance there, off Battersea Rd, across from our home. I fear that by "working the system", bit by bit with separate applications, we will end up with 4 entrances off Battersea Rd to serve BPE's Unity inn and Spa development. I would just ask that this be a transparent process between BPE and the City.

Finally, the application also states that the wells will be demonstrated to service the lots. While I'm aware that there have been a number of pump tests, we know there are proposed structures for both lots which again should be considered as part of the re-zoning application.

Many thanks,

Sonya Bianchet

*An application for Consent has been submitted by BPE Group for the lands known municipally as 2285 Battersea Road. The parcel located at the northwest corner of Unity Road and Battersea Road is comprised of two separately conveyable parcels, the northern parcel being approximately 11.8 acres with approximately 168 metres of frontage on Battersea Road. The southern parcel is approximately 5.2 acres with approximately 159 metres of frontage on Battersea Road and approximately 112 metres of frontage on Unity Road. Cumulatively, the parcels are approximately 17 acres in area with over 400 metres of road frontage. The proposed Consent application seeks to convey 1.8 acres of the northern parcel to the abutting southern parcel. Effectively, the interior lot line that divides the northern and southern parcel is proposed to be shifted 38.0 metres northward. **No changes in land use are proposed as a result of this Consent application.** The southern parcel currently contains an existing single family dwelling, accessory building and two wells. The northern parcel currently contains an accessory building and two wells. As proposed through this Consent application, the northern parcel will be vacant with a well. The northern parcel is proposed to be 9.9 acres with 128 metres of frontage on Battersea Road. The southern parcel is proposed to contain the single family dwelling, two accessory buildings and three wells. The southern parcel is proposed to be 7.1 acres with 199 metres of frontage on Battersea Road and 112 metres of frontage on Unity Road. The lands subject to this application are currently designated 'Rural' in the City of Kingston Official Plan and are located within a General Agricultural 'A2' zone in Zoning By-law Number 76-26, as amended.*

***The resultant lot fabric will not result in an increase in the number of lots;** and both lots will continue to be consistent and compatible with the surrounding rural lot fabric. Both lot areas will also be sufficient (i.e. greater than 5 acres) to continue to permit agricultural uses; -Both lots will be privately serviced for water and septic. **Wells exist on both parcels and it will be demonstrated that the wells can service the lots.** The necessary approval for septic services will also be obtained; -Existing and proposed structures on both parcels will also comply with Minimum Distance Separation formulae.*

Sands,Jason

From: Kim Cucheran [REDACTED]
Sent: Tuesday, February 12, 2019 2:16 PM
To: Sands,Jason
Cc: Doherty,Bridget; Oosterhof,Gary; McLaren,Jeff; Neill,Jim; Osanic,Lisa; Mayor of Kingston; Holland,Mary Rita; Stroud,Peter; Hutchison,Rob; Kiley,Robert; Boehme, Ryan N.; schappelle@cityofkingston.ca; Hill,Wayne
Subject: Application for Consent for Lot Addition - 2285 Battersea Road

Dear Jason,

I have received a Notice of Technical Consent for 2285 Battersea Road in the mail. I apologize for this letter on the last date required but my spouse and I really needed to decide if it will make a difference or is necessary at this point.

We all know that this is just another step for BPE in minimizing their application for re-zoning of this property. Will that happen in the next month, two or three? Who really knows. Everything they do on the property is being done under general agriculture with the obvious intent of "easier" application when they apply for rezoning to commercial.

The letter states "No site alteration or changes in land use are proposed as part of this application". Then why the application? That land has been demolished by BPE thus far and it is almost surreal to believe that it will still be used for agriculture use in the future.

We are asking you to please deny this application until full disclosure is available regarding this entire property and project.

We are anxiously awaiting the public notice and meeting for re-zoning to commercial application by BPE, and again, this application should be part of that process. At which time, we will have a strong presence available for input.

Most Sincerely,

Kim Cucheran

--

Kim Cucheran

[REDACTED]

February 6, 2019
Jason Sands MCIP RPP
Senior Planner
City of Kingston

Dear Mr. Sands

This letter in response to the application by Fotenn Consultants on behalf of BPE group to adjust lines between two lot lines at 2285 Battersea Road. This letter is to object to this request.

The water and sewage concerns of the neighbours still exist. The farmlands have been stripped of topsoil and the fields are a construction site. The upheaval and concerns for the closest neighbours still exist. The safety issues for the school children of Glenburnie Public School still are concerns. This application seems to build into the plan for re zoning to accommodate a commercial venture on agricultural land.

I hope the planning committee will reject this application and see it as part of a much larger plan for re-zoning and a commercial development.

Sincerely,

Lorna L Hendry
William R Hendry

Lorna Hendry
William Hendry
2055 Perth Rd.
Glenburnie Ont.
[REDACTED]

RECEIVED

FEB 11 2019

PLANNING DIVISION
CITY OF KINGSTON

Sands,Jason

From: Janet Pentney [REDACTED]
Sent: Thursday, February 07, 2019 6:43 PM
To: Sands,Jason
Subject: Fwd: Consent Application - 2285 Battersea Rd

Sent from my iPhone

Begin forwarded message:

From: Janet Pentney [REDACTED]
Date: February 7, 2019 at 6:40:53 PM EST
To: jwsands@cityofkingsron.ca
Cc: RNBoehme@cityofkingston.ca
Subject: Consent Application - 2285 Battersea Rd

Dear Jason,

I'm writing to express my strong opposition to the Application for Consent for Lot Addition 2285 Battersea Rd.

Specifically I oppose the fact that this application is being considered under the current zoning of General Agricultural when it is plainly evident and in the public domain that the intent of this application is for the commercial purposes of BPE and their commercial plans for the property.

The contention in the letter prepared by Fontenn Consultants Inc. "No site alteration or changes in land use are proposed as part of this application." is misleading by omitting the overall purpose of this application. The letter is further misleading when in referring to the southern lot it claims that the "balance of the lot generally contains fields which are maintained for agricultural use." Due to the work already underway by BPE that lot is in no way suitable for agriculture and the overall intent of this application is evident by the amount of effort that has already been undertaken without seeking any advance approval or permits from the City.

I argue strenuously that this application be denied until such time as the full scope of the proposed project is brought before the city so that decisions can be made with full information and public disclosure on the part of BPE.

Sincerely,

Janet Pentney

Sent from my iPhone

James *Keirstead* Studio

JAMES LORIMER KEIRSTEAD 4 ARAGON ROAD, R.R. 1 GLENBURNIE, ONTARIO, CANADA K0H 1S0

Saturday February 9 2019

Mr. Jason Sands, Senior Planner
City of Kingston Planning Division
1211 John Counter Boulevard
Kingston, On K7L 4X7

RECEIVED

FEB 11 2019

PLANNING DIVISION
CITY OF KINGSTON

Dear Mr. Sands,

re: file D-10-001-2019

The application to convey 0.73 hectares of the north parcel to the abutting southern parcel should be denied.

It appears that all the digging and road access being developed on this General Agricultural A2 land is being created for some commercial enterprise. This should not be allowed.

Any extra access at this intersection would be a threat to the children attending Glenburnie Public School and more. No changes should be made that might lead to there being any commercial use; especially if there was to be any serving of alcohol.

Respectfully

James Keirstead
Robere Keirstead

Mr. James Keirstead

Mrs. Robere Keirstead

Sands,Jason

From: Ann [REDACTED]
Sent: Monday, February 25, 2019 10:18 AM
To: Sands,Jason
Subject: Re: File no:D10-001-2019

Dear Jason,

Thank you very much for your informative letter.

Should you need to send any correspondence to us at a later date via postal service, our mailing address is P.O. Box 225. R.R. 1 Glenburnie, ON. KOA 1SO., as our 2336 Battersea Road is a fire route address and no mailbox outside. Thanks very much indeed Jason.

Best regards,

Ann Liblik

Sent from my Samsung Galaxy Tab®4

----- Original message -----

From: "Sands,Jason" [REDACTED]
Date:02-11-2019 9:28 AM (GMT-05:00)
To: 'Ann' [REDACTED]
Cc: "MacCormick,Laura" [REDACTED]
Subject: RE: File no:D10-001-2019

Hello Len & Ann,

Thank you for the comments regarding the proposed Consent (lot addition) application at 2285 Battersea Road. The written correspondence received will become official public correspondence to the active Consent application (D10-001-2019).

Consent applications that satisfy the merits of the applicable Zoning By-law (Zoning By-law Number 76-26, as amended) may be approved by the Director of Planning, Building and Licensing Services via delegated authority. However, through the technical review and public notification period, an application may be 'bumped up' to the Committee of Adjustment should technical commentary / public correspondence be received, which note concerns with respect to the proposed Consent application.

At the discretion of the Director of Planning, Building and Licensing Services, should the Consent application be 'bumped-up' to Committee of Adjustment, a statutory public meeting will be held with additional public notification - notification will be sent to all property owners within 60 metres of the subject property as well as those who have provided public correspondence.

I've included Laura MacCormick (Deputy Director of Planning) on this email for her awareness.

Any questions / comments, please do not hesitate to contact me directly.

Regards,

Jason Sands, MPI. MCIP. RPP

Senior Planner

Planning, Building & Licensing Services



City of Kingston

1211 John Counter Boulevard

216 Ontario Street Kingston, ON K7L 2Z3

613 546-4291 Extension 3277

jwsands@cityofkingston.ca

From: Ann [REDACTED]
Sent: Friday, February 08, 2019 10:17 AM
To: Sands, Jason
Subject: File no:D10-001-2019

Dear Mr.Sands,

With regard to the application for Consent for Lot addition, 2285 Battersea Road, we would ask that this be deferred until more has been settled in the plans for this project, as outlined below.

Although in your letter you state that no changes in land use are proposed at this moment, but that Applications for Official Plan Amendment, Zoning By-laws Amendment and Site Plan Control are anticipated in the future to facilitate land use, it is difficult to set aside the overwhelming plans of BPE with which we are beleaguered.

Firstly, from Schedule 11B there is evidence of Karst topography and Schedule 11A indicates moderate to high sensitivity water source and that this is a significant ground water recharge area.

We just wanted to air our concerns which are indeed in the back of our mind with anything to do with this project.

Thank you very much for informing us of this application and hope to hear from you if there are any meetings planned.

Sincerely Len and Ann Liblik

2336 Battersea Road

Sent from my Samsung Galaxy Tab®4

Sands,Jason

From: David Pentney [REDACTED]
Sent: Thursday, January 31, 2019 1:02 PM
To: Sands,Jason
Cc: Boehme, Ryan N.; Macdonald, John (MMAH)
Subject: Consent Application - 2285 Battersea Rd

Hello Jason,

I am writing to express my objection with respect to this consent application.

I am afraid that I take issue with the statement, "No changes in land use are proposed as a result of this application." While no application for Official Plan Amendment and rezoning for this site have been submitted, details of the proposed Inn and Spa at this location are publicly available at: <https://www.2285battersea-unityproject.ca/>



The image above is taken from this site. The current boundary runs roughly along the road to the left of the large structure at the right bottom and the proposed patio.

You and I are well aware that these two features are too close to the current lot line for a building permit to be issued. So is BPE; hence this application.

You and I are well aware of an impending application for the Inn and Spa. It is my view that consent should not be granted until such time as the application for Official Plan Amendment and rezoning has been approved. Were consent granted in advance of that application, BPE would immediately submit an application to demolish the current barn on this site and then, given BPE's track record to date, begin excavation for the proposed building as shown on the picture above.

Dave
David Pentney

Sands,Jason

From: BJ Raymond [REDACTED]
Sent: Wednesday, February 06, 2019 12:40 PM
To: Sands,Jason
Subject: Consent Application - 2285 Battersea Rd
Attachments: 1548956872016blob.jpg

Hello Jason,

We are sending to you sentiments expressed by Dave Pentney, regarding the consent application for 2285 Battersea Rd. As we live at 2359 Battersea Rd, we are opposed to this project that would construct 37 cabins overlooking our backyard.

Here are Dave's comments:

I am writing to express my objection with respect to this consent application.

I am afraid that I take issue with the statement, "No changes in land use are proposed as a result of this application." While no application for Official Plan Amendment and rezoning for this site have been submitted, details of the proposed Inn and Spa at this location are publicly available at:<https://www.2285battersea-unityproject.ca/>



The image above is taken from this site. The current boundary runs roughly along the road to the left of the large structure at the right bottom and the proposed patio.

You and I are well aware that these two features are too close to the current lot line for a building permit to be issued. So is BPE; hence this application.

You and I are well aware of an impending application for the Inn and Spa. It is my view that consent should not be granted until such time as the application for Official Plan Amendment and rezoning has been approved. Were consent granted in advance of that application, BPE would immediately submit an application to demolish the current barn on this site and then, given BPE's track record to date, begin excavation for the proposed building as shown on the picture above.

We agree with Dave's assessment of the situation. Please take our objections under consideration.

BJ and Suzanne Raymond
2359 Battersea Rd.

February 10, 2019

Linda Williams
2134 Battersea Road
Glenburnie, ON K0H 1S0

Jason Sands, MCIP RPP
Senior Planner, City of Kingston
1211 John Counter Boulevard
Kingston, ON K7L 2Z3

RE: Lot Line Adjustment
2285 Battersea Road, Kingston ON

Dear Mr Sands:

I am responding to the document from Fotenn Consultants INC on behalf of Ben Pilon, BPE Group addressed to you and dated January 18, 2019. It is not clear in the document what the purpose of the request is. I note in paragraph 4, the consultant indicates: "No site alteration or changes in use are proposed as a result of this application". It is my understanding that this land is currently zoned General Agricultural Zone (A2). If, indeed, the applicant is interested in maintaining the land as agricultural, then it precludes his request for the lot line adjustment.

You are aware that there is a group of people within the Glenburnie community and beyond who are totally against the business development plan proposed by the BPE Group. Although not addressed in the above-mentioned document, other documents have indicated that there is a further proposal in the offing *sic*, the Unity Inn and Spa which would require an "alteration or changes in the use of the land". The City may not be aware of the full scope of what is being proposed given the correspondence.

My family and I are disputing the request for adjustment. Thank you for your consideration of this matter.

Yours Sincerely,



Linda Williams

e-copy to Bryan Peterson, Gary Oosterhof

RECEIVED

Feb 11 2019

PLANNING DIVISION
CITY OF KINGSTON

Tuesday January 29th, 2019

Glenn and Janet Wry
2329 Battersea Rd.
Glenburnie, Ontario
K0H1S0

City of Kingston Planning Division
Jason Sands, Senior Planner
211 John Counter Boulevard
Kingston, Ontario
K7L4X7

Dear Mr. Sands,

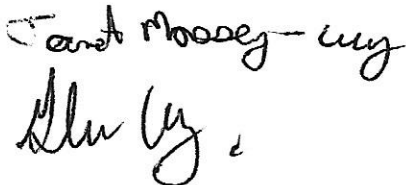
We are writing regarding the letter we received of technical consent at 2285 Battersea Road.

As an adjacent property owner to 2285 Battersea Road, we have great concerns. Although we do not understand the motive or implications for this application, we know both properties are going to be used for a single business. We find ourselves wondering if this is just a way to get around being refused an additional access point to Battersea Road. We would be opposed and concerned if another driveway was permitted in this area. For example, it is already prone to many accidents in the winter, including five cars that have left the roadway within 10 meters of said property in the past week. We personally no longer have a mailbox because of this.

If the purpose of this is to allow another driveway to be added, we disagree with this motion.

We would also like to be notified with a decision with respect to this proposed application.

Thank you,



Handwritten signature of Janet Wry, appearing to read "Janet Wry" with a stylized flourish.

Janet & Glenn Wry
2329 Battersea Rd.

March 27, 2019

Committee of Adjustment

Re: Lot Line Adjustment
2285 Battersea Rd, Kingston

Hearing March 18, 2019 5pm

Dear Members

On March 18, 25-30 citizens arrived at the the John Counter Boulevard meeting room to offer negative comments about BPE Group consent application. After reviewing 8 variance applications the committee was ready to discuss BPE's application. No one showed up to present information on the application including a representative of the Fotenn Consultant Inc. or the owner of BPE. After waiting 15 minutes the committee decided to adjour and reschedule until April 15, 2019. It was unfortunate, but the owner was in the building down stairs talking to a security officer. As the community members were exiting the room ,the owner of BPE showed up. He was advised by the chair that the meeting was rescheduled.

I have reviewed the entire file that was prepared by the planning officer for the March 18 meeting. I offer the following observations.

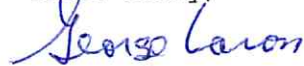
I counted 67 presentations supporting the application. 64 short communications were received from citizens from greater Kingston or beyond, all of which were e-mails with no address indicated. There were only three relatively close supportive neighbors, one 300 feet away and another 800 feet away from the site. Another neighbour was 3 blocks away.

There were 24 written communications (letters with addresses) from people apposed to the application. 21 people live very close to the site and 3 others who live outside the the immediate area. It is readily apparent, the the vast majority of people that live close to the site are strongly apposed to the application.

I sincerely hope the committee members will take note that nearly all of the support communication was via e-mail with no address indicated.

The people of Glenburnie are strongly opposed to the development and reject the developer's consent application.

Yours truly,


George Caron

CC Jason Sands, Senior Planner

796 Unity Rd. Glenburnie, On
K0H1S0

April 12, 2019

Committee of Adjustment

Re: 2285 Battersea Rd, Kingston

Hearing April 15, 2019 5PM

Dear Membership

I have reviewed the entire file that was prepared for the March 15, meeting. I have also reviewed the file for new presentations since the cancelled meeting. I offer the following observations.


There were 5 new presentations in support of the consent application. All five presentations were e-mails from individuals with no address. There were 3 new presentations that were not supportive of the application. One e-mail was from a resident that resides approximately 1 kilometre from the site. Two letters were from a resident very close to the subject site.

In summary, there were 72 presentations from people that support the application. 69 of the presentations (96%) were received via e-mail with no address given. On the other hand, there were 27 presentations (90%) letters not in favour of the application. In addition, there were 3 email presentations not in favour of the application. Overall, 28 of 30 or (93%) presentations were from people that live close to the site.

The vast majority of the people that live relatively close to the site are strongly against this development. As reported above 96 % of the presentations were from people that submitted e-mails with no address. I could only find three people that live relatively close to the site that are in favour of the application.

We sincerely hope this application will be rejected.

Yours truly,


George Caron

CC Jason Sands, Senior Planner

796 Unity Rd. Glenburnie, On
K0H1S0

Sands,Jason

From: bonnie.c [REDACTED]
Sent: Friday, April 05, 2019 7:53 PM
To: Sands,Jason
Subject: Glenburnie Inn and Spa project

Hello Mr. Sands.

I have been following the media reports on this development and would you like to express my support for this project.

BPE Development is a local business that has contributed a substantial number of successful property development projects in the City of Kingston. Although there are local residents in Glenburnie that have expressed concerns about this development in their neighbourhood, the developer has also worked hard to address their concerns. Mr. Pilon clearly has not broken any rules or the city would have intervened. He has a vision for a business unlike any other in Kingston and gone above and beyond to ensure that final result will be a property to be proud of and one that will be sustainable for the environment. I hope that the city approves this project. I expect this would be a destination that will attract visitors to the city. I look forward to seeing and experiencing the final result for myself. I can only see the benefits a business like this could contribute to my beautiful hometown of Kingston.

Sincerely,

Bonnie Cormier

Sands,Jason

From: David Gemmill [REDACTED]
Sent: Tuesday, April 02, 2019 10:42 AM
To: Sands,Jason
Subject: Unity Farm, Inn and Spa

Hi Jason, my wife Karen and I live about 2kms west of the proposed Inn and Spa, so it does not really affect us. However, a project such as this would be very beneficial for the community and area.

My wife and I have attended the community meetings, met with Ben and his team and if the project moves forward as planned, here's what we would envision for the community.

- 1) The property is a corner lot with a heritage building, which has been neglected and over grown for years. With the vision of the Farm, Inn and Spa, this will be a show piece for the community and city.
- 2) The people who attend Inns and Spas, are the "relaxing type people". The property would not attract the "unwanted kind". (noise, drunkenness, etc)
- 3) Employment opportunity's for the locals and city folk. Ben's plans appear to have a variety of jobs for all skill levels.
- 4) This project seems to go above and beyond in protecting the neighbours land. (water, noise, traffic, etc)
- 5) It will be an asset for the community and city with the availability of food, Inn, Spa, Conference facility located on the grounds.

So we do support the Unity Farm, Inn and Spa project. Cheers

Dave and Karen Gemmill
1265 Unity Rd
[REDACTED]

Sands,Jason

From: kim stephenson [REDACTED]
Sent: Thursday, April 11, 2019 8:13 PM
To: Sands,Jason
Subject: Support of Unity Inn and Spa

To Whom It May Concern,

Please accept this email as my support for the Unity Inn and Spa being developed at the corner of Unity Rd. and Battersea Rd. in South Frontenac township.

I was raised in South Frontenac township and over the years I have seen this property go through numerous changes. Prior to its purchase by BPE Enterprises it seemed this property had been dormant for a few years. BPE Enterprises development of this property is a positive investment being made for the City of Kingston. The plans of operating an inn and spa will provide employment opportunities in the community and offer a tourist destination for this area of Kingston.

The plans of a business that will be environmentally responsible and be self sustainable is a wonderful undertaking in this era of protecting the planet.

It is my hope that the City of Kingston council will focus on the positive impact this business will make to the community and support its development.

On another note I am very disappointed in the negative press that BPE Enterprises has received surrounding the development of this property. In the interest of nonpartisan and fair journalism BPE Enterprises should be allowed to provide its plans and vision for this property without criticism.

Sincerely,

Kim Stephenson

A Future Unity Spa Visitor

Sands,Jason

From: lkd lkd [REDACTED]
Sent: Monday, April 08, 2019 10:34 PM
To: Oosterhof,Gary; Sands,Jason; Boehme, Ryan N.
Cc: Lasko,Tyler; Mayor of Kingston; David Pentney; MacCormick,Laura
Subject: RE: Update in Unity Spa

Hello all. I won't be able to make the meeting as I have a work meeting (downtown) scheduled until (at least) 4pm and probably later. I've read the documents you sent and remain concerned that:

1. The developer is doing as much work as possible to advance his planned commercial project without rezoning and full permits.
2. I certainly hope that the very fact that he has started excavating and blasting out driveways will not be used as justification to support his future zoning change/building permit request - along the lines of "I've already invested so much..."
3. The comment that his well is specially lined and deeper than adjacent wells doesn't change the fact that he will be drawing from the same aquifer as his neighbours - if there is a problem then he will just run out last. If the project is approved there needs to be ongoing professional monitoring of adjacent wells and there needs to be a consequence for the developer should they be adversely affected.
4. The current fence around the body of water he has created has fallen over and creates a hazard, particularly in light of the adjacent elementary school.

Let me just reiterate: we are not against good development, however we are \concerned at the apparent lack of process here - not the City's fault but rather a deliberate tactic it seems. The raft of one line emails from folks who do not reside in the area who are enthusiastic about a "local Spa Nordique" should not be used to dismiss the valid concerns of the adjacent community.

I look forward to more information on this matter.

Lindsay Davidson

----- Original Message -----

From: "Sands,Jason" <jwsands@cityofkingston.ca>

Date: April 4, 2019 at 9:00 AM

Councillor Boehme,

Certainly, I've added Ms. Davidson to the outlook calendar invite and resent.

Sands,Jason

From: Brad and Michelle Moulton [REDACTED]
Sent: Wednesday, April 03, 2019 2:50 PM
To: Sands,Jason
Subject: In Support of Unity Inn & Spa

To Mr. Sands:

I have been very interested in this project and would like to submit my letter of support.

On a personal level I was intrigued and excited about the prospect of having a quality spa so close to my home in Leeds & The Thousand Islands, and envision inviting friends, family, booking functions, and sharing its beautiful, historical space with many. I have visited similar spaces in Ottawa and Niagara on the Lake, and know just how many people this will draw to a community. It is far reaching.

I understand that there is some opposition to this project and while I do empathize with the concerned citizens who anticipate a change to their community, I also have looked at this from both sides, and I feel the pros certainly outweigh the cons. From what I have read and understand, BPE is going above and beyond to meet all requirements and adhere to planning regulations. And I applaud them for approaching this project with sustainability and working **with** the environment rather than against it. They are passionate about using self-sustaining technologies as much as possible, and have conservation methods clearly laid out in their project plan. From growing and harvesting their own food, to recycling water, to using electric powered vehicles, the list goes on... How refreshing is that, and today's traveller wants to feel they are doing their part for the environment. And local and organic food is what tourists are looking for.. it's brilliant quite honestly and I feel it directly aligns with the vision we are trying to create for South Eastern Ontario tourism.

And it is also very easy for me to put myself in the shoes of these opposing residents. I live in the township of TLTl, and three years ago, we received a letter that a gravel and sand pit was currently in the works with the entrance to the pit a mere 200 feet from our property. The pit itself would be many acres behind us, however, the dust, constant traffic of dump trucks, excavators, noise pollution, degradation of our roads, destruction of habitat, etc would last years. This is not a project that improves the quality of life for anyone living near it, people and wildlife alike. So when I hear about something like a SPA being proposed I imagine how thrilled I'd be if that had been the letter we had received in the mail. Knowing that the development company had a plan to protect and sustain the environment, would be improving and renovating a beautiful heritage home, would be bringing like-minded people to our area, who will spend money and improve the economy, will provide 80+ jobs, I have a hard time seeing the problem when looking at this long term.

I also trust that the regulatory bodies and the City of Kingston employees will do their due diligence to ensure all regulations imposed are met, and will see that this is a project that has considerable merit.

Also, in my capacity as a Director for the 1000 Island Gananoque Chamber of Commerce, and chair of the Events Committee, you can count on my personal support to bring awareness of this project as it moves ahead, as I truly believe that it will be an asset to tourism in our region (RTO 9).

Kindest Regards,
Michelle Moulton

Sands,Jason

From: Natasha Mayhew [REDACTED]
Sent: Friday, April 05, 2019 8:08 PM
To: Sands,Jason
Cc: Brad Vanderhaar
Subject: Re: Unity Inn and Spa

Sorry, I did not see the most recent article until after sending this email.

I am now aware that it is the neighbours that are trying to stop this project from proceeding.

I had "assumed" it was the City. Sorry for this confusion and my conclusion is that I am in support of this project. I used to work for Ben and no longer live in Kingston but still close enough that I would make the trip to Kingston to enjoy this beautiful project once completed.

Again, sorry for the confusion and mix up.

On Fri, Apr 5, 2019 at 7:35 PM Natasha Mayhew [REDACTED] wrote:

I am in support of this project. It will be a great addition to Kingston and surrounding area.

I have seen its location and surrounding area and do not see any issues for the area. Ben is incredibly knowledgeable and always acts in the best interest of the community. If only the City would stop trying to stop him.

Regards,
Natasha Mayhew

Sands,Jason

From: Riley Tighe [REDACTED]
Sent: Wednesday, April 10, 2019 10:41 AM
To: Sands,Jason
Subject: BPE - Unity Farm, Inn & Spa

Dear Mr. Sands,

I'm writing with expressed concern about the negative attention received about BPE Unity Farm Inn & Spa project.

There is a significant amount of negative media surrounding an excellent opportunity for Kingston.

There are few organizations who strive to grow the Kingston society as Ben Pilon does. Though the project is clearly a lucrative operation for his company, he strives to offer sustainability and further tourist options to the community.

I can't imagine that Kingston would block his efforts, especially over issues such as "Dust and Construction Noise". Kingston is a beautiful city that relies on tourist traffic and opposition to these changes seem personal and drive stagnation.

I hope that you can find time to comment on these stories and demonstrate to the Kingston community that we believe in a fair and balanced approach. The loudest should not speak for the masses.

I appreciate your consideration and look forward to seeing this project move forward.

Thanks,

Riley

Sands,Jason

From: Lisa Asbreuk [REDACTED]
Sent: Friday, April 12, 2019 9:26 PM
To: Sands,Jason
Subject: Unity Spa

Jason,

Myself and some other women business leaders, community leaders, parents, and local business supporters in town have been watching the development of this great place for a while now and just wanted you and City officials to know there is demand, interest, and support for this project.

Many of us (for personal and professional retreats, meetings, and events) leave the Kingston area to enjoy little getaways like this once in a while. We would prefer to support a responsible local business with local employees and suppliers. Our area could really benefit from this as a high quality destination, and this one appears to be respectful of the context and environment - what we really need. I presume the farmers in that area would also be happy to have another commercial customer respectful of the local food supply network.

If there is anything more formal required to register support for this project please don't hesitate to contact me. I just wanted to ensure you're hearing from as many people as possible and plans proceed.

Lisa Asbreuk

Sands,Jason

From: Amanda D'Amour [REDACTED]
Sent: Wednesday, May 01, 2019 1:23 PM
To: Sands,Jason
Subject: Employment at Unity Spa

Good Afternoon,

My name is Amanda D'Amour and I run a small business in Inverary Ontario. I play every roll from office Manager to Coordinator to payroll clerk. I am quite interested in this project. I am 100% supportive and I have loved keeping on the updates and news about the Inn.

I am curious as to your timeline. When you will be seeking employment and where I can apply when all this is ready!

I am fully bilingual and have found that this small town is growing quite big! The amount of french speaking customers in and around the area is incredible.

I feel I could be a big asset to your team when you are ready!

Thank you
Amanda



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Sands,Jason

From: john johnson [REDACTED]
Sent: Friday, April 26, 2019 4:01 AM
To: Sands,Jason
Subject: Unity project

I am writing in full support of this project. Although it is a massive undertaking, if it includes all the aspects of sustainability that it promises, it will be a wonderful demonstration of what can be done sustainably.

John Johnson

April 28, 2019

Jason Sands
Senior Planner
City of Kingston

Dear Mr. Sands:

Nineteen years ago, we moved from Ottawa to an 1860s stone house on Perth Road and were immediately embraced by the Glenburnie community. While we were initially surprised by the number of neighbours who spoke of being sixth or seventh generation residents, we quickly came to understand their rationale for putting down such deep roots in this close-knit rural community.

While we have now relocated to the City of Kingston, former neighbours have told us of the proposed Unity Farm, Inn and Spa at 2285 Battersea Road. The plan to create 27 suites, glamping cabins, a spa, a restaurant and a meeting venue plus gardens, grapevines, hops and an apiary will transform what was once a working family farm to a multifaceted commercial enterprise.

“Prepping the site ” by putting in a service road, drilling wells and digging a large pond at the corner of Unity and Battersea Roads has irreversibly altered the landscape, disrupted daily lives and left an unsightly mess. How could such major steps be taken before approval to rezone from agricultural to commercial use has been granted?

Access to potable well water is top of mind for country dwellers so it is no wonder that Glenburnie residents are worried about the effect a project of this scale will have on the groundwater aquifers on which they rely. Aquifer depletion is a very real concern for those dependent on well water, despite references in the project overview to use of sustainable systems, water conservation and wastewater treatment. Increased vehicular traffic is another legitimate concern.

It is welcome news that Councillor Gary Oosterhof will once again be able to participate fully in discussions since his knowledge of the community and the issues will be invaluable in reaching a fully informed decision.

I urge that City Council be mindful of the impact of the project on the wellbeing of this unique rural community. For BPE this may be just one more development project, but at this point in time, local residents see it as a threat to their way of life.

Yours sincerely,

“signed”

Linda Lysne

Sands,Jason

From: brownle [REDACTED]
Sent: Monday, April 22, 2019 9:24 AM
To: Sands,Jason
Subject: Unity Farm Inn and Spa

Hi Jason,

I recently saw an online petition to support the Unity Farm Inn and Spa which also suggested emailing you.

I find the request a bit off key. I live in the city of Kingston and not at all near this rural area. I do not believe it is my place to speak to wanting this facility but instead the voices that should be heard are those of the direct neighbours and those that would share their well water with such a large facility. How have they already been impacted by this? The petition paints a biased dream of a green and sustainable landscape. What will happen to this facility in dry years? It is hard to believe they will not be a strain on the local ecosystem no matter how poshly green they intend to be. Just two summers ago we had a major drought in our area. Westbrook Golf Course uses well water and ponds and just shrivelled right up. This is sure to happen again and again with Climate Change. A better location for this would be within access of city water.

The city should disregard this petition as it is being signed by Kingston residents with no knowledge of the larger impact this could have on the surrounding rural community. An environmental impact assessment should be done and every effort should be made to listen to the neighbours and community surrounding this. Water is not something we can use frivolously anymore. The City of Kingston JUST announced an environmental state of emergency. No matter how gift wrapped in solar power this spa is, its water consumption, be it rain water or well water, is questionable. Will they be recycling all their pool water?

In the end my point is that this should be looked at under a microscope in terms of environmental impact, direct community impact and also is it a sustainable business. How close are competitive spas? Etc.

Thank you for your time.

Leslie McArthur

Sands,Jason

From: Oosterhof,Gary
Sent: Monday, May 06, 2019 2:36 PM
To: Linda Lysne; Sands,Jason
Cc: Mayor of Kingston; Oosterhof,Gary
Subject: RE: Proposed Unity Farm Inn and Spa

Hello Linda.

Thank you very much for your letter. The cares and concerns of our rural community are being heard and your voice is important.

This project has a lot of hurdles to clear and I am confident that our City Planning department is aware and active on this file and ensuring that the interests and concerns and protections that are embedded in the current Official Plan are being followed related to this development.

We are all waiting to see where this is all headed and when there will be public held meetings to address these many issues.

Do stay in touch.

Sincerely

Gary Oosterhof
Countryside Councillor
City of Kingston

-----Original Message-----

From: Linda Lysne [REDACTED]
Sent: April 28, 2019 10:56 AM
To: Sands,Jason
Cc: Mayor of Kingston; Oosterhof,Gary
Subject: Proposed Unity Farm Inn and Spa

Please find attached my letter expressing concern at the initial impact of this proposed project on the residents of Glenburnie. Thank you in advance for consideration of its contents.

Linda Lysne
996 Mona Drive
Kingston ON K7P 2P6

Sands,Jason

From: David Pentney [REDACTED]
Sent: Tuesday, April 16, 2019 3:56 PM
To: Sands,Jason
Cc: Oosterhof,Gary
Subject: Re: Application D35-003-2019

Thank you Mr. Sands.

I am a bit surprised that a business plan is not a required part of the application. I would have expected that an application for rezoning for a commercial entity on this site would require a business plan, supported by a market analysis, to ensure that the proposal entity can be reasonably expected to be a viable business.

David Pentney
Chair
Glenburnie Residents' Association

> On Apr 16, 2019, at 2:12 PM, Sands,Jason <jwsands@cityofkingston.ca> wrote:

>

> Hi Mr. Pentney,

>

> The applicant is not required to submit a 'business plan' in support of the proposed Official Plan Amendment & Zoning By-law Amendment application.

>

> The studies currently visible via DASH (D35-003-2019) are the extent to which will be displayed publically.

>

> Anything further, please let me know.

>

> Thanks,

> Jason

>

> -----Original Message-----

> From: David Pentney [REDACTED]

> Sent: Monday, April 15, 2019 9:35 PM

> To: Sands,Jason

> Subject: Application D35-003-2019

>

> Mr Sands. I note that a total of 16 studies have now been posted on DASH with this application. Please advise if there are others that are still to be posted. I am particularly interested to know if a business plan is one of the items that the applicant is required to submit. Thank you. David Pentney

>

>

>

>

> This E-mail contains confidential information intended only for the individual or entity named in the message. If the reader of this message is not the intended recipient, or the agent responsible to

Sands,Jason

From: Benjamin Pilon [REDACTED]
Sent: Thursday, May 09, 2019 3:17 PM
To: Hurdle,Lanie; Agnew,Paige; Bar,James; Sands,Jason; MacCormick,Laura
Subject: FW: Unity Farm, Inn & Spa proposal - addressing concerns

Hi Lanie, Paige, Laura, Jason, James,

Here is information I have provided to the Mayor and Councillors today. I want to ensure the facts are being presented.

Please let me know if you have any questions.

Thanks

Ben

From: Benjamin Pilon
Sent: May 9, 2019 3:12 PM
To: 'mayor@cityofkingston.ca' <mayor@cityofkingston.ca>; 'Oosterhof,Gary' <goosterhof@cityofkingston.ca>; 'jmclaren@cityofkingston.ca' <jmclaren@cityofkingston.ca>; 'Lisa Osanic' <losanic@cityofkingston.ca>; 'Boehme, Ryan N.' <rnboehme@cityofkingston.ca>; 'schapelle@cityofkingston.ca' <schapelle@cityofkingston.ca>; 'Kiley,Robert' <rkiley@cityofkingston.ca>; 'rhutchison@cityofkingston.ca' <rhutchison@cityofkingston.ca>; 'Doherty,Bridget' <bdoherty@cityofkingston.ca>; 'mrholland@cityofkingston.ca' <mrholland@cityofkingston.ca>; 'Neill,Jim' <jneill@cityofkingston.ca>; 'pstroud@cityofkingston.ca' <pstroud@cityofkingston.ca>; 'Hill,Wayne' <whill@cityofkingston.ca>
Subject: Unity Farm, Inn & Spa proposal - addressing concerns

Good afternoon Mr. Mayor and Councillors,

We are following up on our past emails regarding Unity Farm, Inn & Spa, BPE's proposed development project located at the intersection of Battersea and Unity Roads.

As the Planning Committee - Public Meeting is fast approaching in June, we are writing to ensure you have the correct information to make an informed decision.

We invite those of you who have not already toured the site to join us, at your convenience, and we would be pleased to discuss the project further.

Should you wish more specific details via email, we are happy to provide those.

Water

- Regarding community questions about our water use, we have studied the water use for the site. The study found **no risk** to the local water supply. A full peer review is underway.
- In fact, our project will use **significantly less water** than the existing farmland would be using if all 34 acres were operating as a full-fledged commercial farm (3-4 times less water).
- Further, we will be employing water recycling technologies, ponds, and cisterns to reduce our impact and enhance the project's environmental sustainability.
- **No well water will be used to water the gardens, fill the spa pools, or for agriculture.** Well water will **only** be used for drinking water, showers, and the restaurant.

Economic

- 80 jobs, and up to a \$17-19 million investment (all phases)
- Up to \$500,000 in tax revenue (estimate) for the City
- A prime destination for tourists from up to 2.5 hours away, including corporate retreats
- Vertically integrated with BPE's businesses Lovebird Bridal, The Grocery Basket, The Sanctuary Coworking, and partnered with other local tourism, wellness, and business-focused organizations

Other key features

- The facility will nearly function off the grid thanks to its water recycling plant, geothermal heating and cooling, solar panels providing some electricity, and on-site farming
- Twenty seven rooms in the Inn, plus 40 private cabins
- Over 100 letters of support, plus 1,100 petition signatures in support of this project

As you know, BPE's philosophy is to create developments responsibly and with care, and this project is no different.

We remain in contact with all 2285 Battersea neighbours, including the Glenburnie Residents Association, and have offered them all the relevant information. We have also hosted four public information events. **Their concerns are our concerns**, which is why we have conducted over 25 studies on the site (including a full hydrogeological study) and followed all proper processes throughout this project.

Again, we invite you to visit the site and discuss the project with us if you have any remaining questions or concerns. We take all feedback seriously.

<https://2285battersea-unityproject.ca>

Ben



Ben Pilon / Chief Executive Officer



BPE Group



141 Hickson Avenue, Kingston, ON K7K 2N7

BPEGroup.ca

Sands,Jason

From: Sands,Jason
Sent: Wednesday, May 08, 2019 8:45 AM
To: 'Holly D'Angelo'
Cc: Bar,James
Subject: RE: 2285 Battersea Road Public Meeting June 6, 2019

Hi Holly,

The peer review of the Hydrogeological Assessment has been initiated, it has not been completed. The peer review will not be complete and publically available in advance of the statutory public meeting scheduled for June 6th, 2019.

Yes, the June 6th, 2019 meeting at City Hall is the statutory public meeting which is held for City staff, members of Planning Committee and the Applicant to receive input from the public regarding the proposed development. There is not a staff recommendation as part of the reporting provided to Planning Committee on the June 6th, 2019 meeting, that will come at a future date as part of the Comprehensive Report. At the time a Comprehensive Report proceeds to Planning Committee with a staff recommendation, again, there will be opportunity for members of the public to ask questions and provide input on such proposal / recommendation.

FYI - I'm leaving the City of Kingston, my last day in May 17th, 2019. Following my departure, James Bar (Senior Planner – cc'd) will be managing this application (D35-003-2019). I've cc'd James for his awareness.

Regards,



Jason Sands, MPI. MCIP. RPP

Senior Planner
Planning, Building & Licensing Services

City of Kingston
1211 John Counter Boulevard
216 Ontario Street Kingston, ON K7L 2Z3
613 546-4291 Extension 3277
jwsands@cityofkingston.ca



From: Holly D'Angelo [REDACTED]
Sent: Tuesday, May 07, 2019 9:02 AM
To: Sands,Jason
Subject: 2285 Battersea Road Public Meeting June 6, 2019

Good morning Jason,

I just received the notice for the Public Meeting in June 6, 2019 concerning the proposed plan and zoning amendment for 2285 Battersea Road. During our recent discussion, it was indicated that a peer review of the hydrogeological report

would be conducted as an element of the supporting paperwork. Has this been done? Is it available to the public? If it has been done and is available to the public, may I have a copy of the review?

Is the meeting on the 6th of June, a preliminary meeting intended on gathering additional information from the public? Following the meeting, will there be a second meeting with the Planning Committee to comment on the comprehensive report and then a meeting with City council?

Thank you for taking the time to respond to my questions.

Holly D'Angelo-Scott

Sands,Jason

From: Janie Smith [REDACTED]
Sent: Saturday, April 20, 2019 10:04 AM
To: Sands,Jason
Subject: Glenburnie Spa

I live in Battersea. I am 100 percent in favour of this absolutely wonderful sustainable business coming to our Glenburnie area.

Get [Outlook for Android](#)

Sands,Jason

From: White, Tina [REDACTED]
Sent: Thursday, May 09, 2019 11:59 AM
To: Sands,Jason
Cc: Home
Subject: Notice of Complete Application & Public Meeting Notice D35-003-2019_2285 & 2311
Battersea Road

Jason

Comments on proposed development:

- It seems excessive to allow three entrances from Battersea Rd given the profile grade, the proximity of the school (school busses turning).
I would offer that one entrance from each side road is a more appropriate level of access given this development has room to have interior roads that can accommodate the interior movement they are looking for. The further away from the intersection of Unity, the safer the proposed Battersea entrance will operate.
- I would encourage that all proposed landscaping / signing have a set back from the municipal road right of way to maximize /maintain visibility as these shrubs/trees grow.
- Will there be monitoring of groundwater level and quality once the development is in operation; what is the monitoring program and will it be made public ?
- Sewage treatment facility – will there be a certificate of approval required from MOECP and will there be a third party operator in charge of this facility for maintenance, etc ?
- This land was formally agricultural in nature, it would appear that the habitat exists for Barn Swallows as well as Eastern Meadowlark/Bobolink , which I believe are both species at risk. Has this been confirmed with MNRF and is there mitigation proposed ?
- Is there a plan to restrict hours of operation or some other way regarding the noise levels of the outdoor patio ? The noise report suggests that even low noise will be heard by receptors in evening hours.
- The stormwater report cannot be downloaded. I will assume that appropriate sized culverts will be placed at entrances and that water leaving the proposed development will be kept to pre-development quantity ?

That's all for now...

Thanks

Tina

Sands,Jason

From: G and J Wry [REDACTED]
Sent: Monday, May 06, 2019 8:08 PM
To: Sands,Jason; Lasko,Tyler
Subject: 2285-2311 Battersea Rd. (D35-003-2019)

Dear Mr. Sands/Mr. Lasko

I am the property owner at 2329 Battersea Rd. Today I witnessed several Mulrooney trucks being loaded with various materials (i.e gravel and dirt) and removed from the property at 2285-2311 Battersea rd. This was continuous all day long. I was under the understanding that this was to remain on said property. Is this type of removal allowed?

Thanks,
Janet Massey-Wry

Bar,James

From: Kristine Van Allen [REDACTED]
Sent: Thursday, November 14, 2019 3:36 PM
To: Mayor of Kingston; Oosterhof,Gary; Chapelle,Simon; Osanic,Lisa; Hill,Wayne;
Doherty,Bridget; Kiley,Robert; Holland,Mary Rita; McLaren,Jeff; Neill,Jim; Stroud,Peter;
Hutchison,Rob; Boehme, Ryan N.; Bar,James
Subject: Proposed Unity Inn & Spa

Just a quick message to advise that I attended the information session last weekend and I think this project is outstanding. It has my full support and I think it will bring great opportunities to our community as well as providing wonderful services for us all. Can't wait!



Smiles
Kristine Van Allen
[REDACTED]

www.kvacollections.com

Bar,James

From: David Pentney [REDACTED]
Sent: Monday, July 29, 2019 4:29 PM
To: Bar,James
Cc: Lasko,Tyler
Subject: APPLICATION D35-003-2019 - WASTE AND WASTE WATER MANAGEMENT

Mr Barr,

Waste Management and Disposal. One of the issues that, to the best of my knowledge, has not been raised to date is the issue of waste removal from this proposed development site. Clearly there will be significant waste of all types that will need to be removed from the site. I assume that a contract will be put in place for this and that the waste will be removed by truck. This causes a couple of concerns: noise and traffic. The proposed service area is less than 80 metres from our home. The noise from the back up warning signals of waste removal vehicles, likely on a daily basis, will have a significant impact on our ability to enjoy our property. Notwithstanding the assurances from BPE that the "driveway" (Entrance Permit 2018-001) will only be used for "one or two deliveries a day", it is clear from the site plan that the intent is to use this as a service entrance and for access to staff parking. The traffic on this service road (less than 20 meters from my dining room window), if approved, will be significant and would also significantly reduce our ability to enjoy our property. Please consider these impacts on our ability to enjoy our property in your technical review.

Waste Water Management and Waste Disposal. These aspects of the proposal have not been covered very well by the applicant. Details on the specific system, its capacity, noise levels etc, to the best of my knowledge have not been addressed. Interestingly, the Drawing Legend on the site plan identifies U as 16'x40' Water Treatment Building; however, I have been unable to locate this building on the site plan site plan. One output of this system is solid waste. Where will this solid waste be stored and how often will it be removed from the site?

A concern was raised at the Planning Committee meeting about the treatment and removal of water from the hot tubs and spas. There is a public health requirement to remove and replace a percentage of the water from these facilities on a frequent basis. The answer provided by the applicant's representative at the meeting was that it would be cycled through the treatment system, but I doubt that this would be adequate to remove the chemicals from the water. Has this issue been adequately addressed?

Thank you for patience in having to deal with issues as they become apparent.

David Pentney

Bar,James

From: Arlene Seale [REDACTED]
Sent: Saturday, November 09, 2019 6:57 PM
To: Bar,James
Subject: Unity Farm Spa - 2285 Battersea Road

Dear Mr. Bar,

I attended the Unity Farm Spa Open House today. I am deeply impressed with how well thought out, sustainable and environmentally conscious this project is -- not to mention spectacular. It can only serve to promote Kingston, provide employment in several sectors, contribute tax dollars and provide a boost to our local farmers it to mention a spectacular place for locals to go. I cannot wait for this project to be complete. They will have my business and ongoing support.

Thank you,

Arlene

Arlene Seale
Loughborough Lake

Bar,James

From: Brenda Kane [REDACTED]
Sent: Sunday, November 17, 2019 4:27 PM
Subject: Support the the Unity Inn & Spa

Good Day,

I wanted to write you to show my support for Unity Inn and Spa. I was so excited when I heard that we were getting such a beautiful Spa in this area, then I saw the coverage on the news with people opposing it and wanted to learn more. Having lived in the Country for a number of years I can see the concern with the water issues so I went to the open house to see how they have addressed these concerns.

I must say that I was so very impressed with the Proposal as well as the quality establishment they plan to build. I can see that there will be no issue with water because of the ponds, cisterns and bringing in water for the pools. I also see how they have thought of planting green barriers to protect the neighbours privacy and I think our Community should be welcoming this business with open arms. With a plan to create more than 80 jobs it will surely be helpful to the economy and it will draw people from the surrounding areas to support other Kingston businesses. Currently we drive to St. Annes Spa in Grafton or Collingwood to enjoy a relaxing experience. We have needed something like this for years and it will be so nice to have it close to home. These people are professionals and put on such a lovely day to help the neighbourhood have a clear picture of what they plan to do. I hope this project gets approved and I felt it was important to voice my opinion.

Thank you,

Brenda Kane
Resident of Kingston

Bar,James

From: Kevin Luther [REDACTED]
Sent: Monday, November 18, 2019 6:50 PM
To: Mayor of Kingston; Oosterhof,Gary; Chapelle,Simon; Osanic,Lisa; Hill,Wayne;
Doherty,Bridget; Kiley,Robert; Holland,Mary Rita; McLaren,Jeff; Neill,Jim; Stroud,Peter;
Hutchison,Rob; Boehme, Ryan N.; Bar,James
Subject: Unity Farm, Inn, and Spa Feedback

Good day to you all,

I felt that it is very important to share my opinion on the proposal put forth for Unity Inn and Spa. People who oppose things take the time to send e-mails and voice their opinions and complaints to officials such as yourselves, whereas it is my experience that those who support such ventures do not take the time to voice their approval. I am in FULL SUPPORT of this development.

I attended the open house and was very impressed by all of the work and progress made by the owners to address the many concerns put forth by others. As a retired member of the Canadian Forces and currently an employee at KGH I personally know the value of having a relaxation spa in the vicinity. I know that I benefit greatly by utilizing hot and cold pools as well as relaxation areas to unwind and decrease stress. I currently travel many hours to have access to these types of facilities. Having one close by will benefit many residents of the Kingston area.

I respectfully ask that you approve the addition of this health and wellness facility within our region.

Thank you,
Sincerely
Kevin Luther
Resident of Kingston

Bar,James

From: Kim Thompson [REDACTED]
Sent: Sunday, November 17, 2019 1:53 PM
To: Bar,James
Subject: RE: Unity Farm Inn Spa

Good afternoon,

I would just like to acknowledge my support for this fantastic idea and new business in Battersea, ON. From everything I have read so far on Unity Farm Inn Spa, it seems to be an exciting new opportunity not only visitors to the area, but also for potential employees. I love all of the eco friendly solutions they have come up with and can't wait to visit as soon as they open. I especially look forward to seeing the grounds and trying out the spa and "tiny living" cabins. I think this is a great new idea for this part of Kingston and Area and would like you know they have all my friends and family's support, in addition to my own.

Thank you for reading this letter of support.

Kim Thompson

Bar,James

From: Richard Vanderputten [REDACTED]
Sent: Monday, November 18, 2019 9:17 PM
To: Bar,James

Hey I would just like to push forward a recommendation to allow the battersea spa that is being proposed. I stand for the new business and think it would thrive.

Thanks,

rick

Sent from my iPhone

Bar,James

From: Sandra MacKinnon [REDACTED]
Sent: Tuesday, November 19, 2019 4:25 PM
To: Bar,James
Subject: Unity Project

I am sending an email in support of this awesome project. I hope everything will move forward and we can't wait to enjoy the facilities when this project is complete.

Sandra MacKinnon
&
Debra Spencer

Bar,James

From: Susann Gauthier [REDACTED]
Sent: Sunday, November 10, 2019 9:41 PM
To: Bar,James
Subject: Unity Project Support

Hello James,

I attended the Unity project open house Saturday ...afterwards I posted on Facebook

"I attended the project open house today....if you are interested in this project (for or against) I strongly suggest you get to the open house tomorrow. In my opinion what you will discover is this is a POSITIVE addition to our city. The project is creating a sustainable farm, inn and spa. I think if you're against this project you will be pleasantly surprised....and may become in favour of what is being created.

To have our own tranquil getaway within our city will be amazing.

I hope the approvals go through....can't wait to enjoy Unity Farm, Inn & Spa"

I am now emailing you to share my support. I sincerely hope the approvals go through and we see the Unity Project come to fruition.

Regards
Susann

Susann Gauthier

Bar,James

From: Leeder, Paul [REDACTED]
Sent: Thursday, May 30, 2019 1:10 PM
To: Bar,James
Cc: Thompson,James
Subject: Unity Road Proposed Farm and Spa - Meeting June 6, 2019

Hello,

My name is Paul Leeder and I am a resident of 955 Ellen Avenue which is approximately 2km from the proposed Spa development at the corner of Battersea and Unity Roads. I will not be able to attend the meeting however I did want my voice to be heard pertaining to this development.

Based on the premise of the idea alone I support the idea of the spa development. That being said, my support is not without wanting some additional concerns being addressed first. My main concern, which I feel is valid and would like to further discuss, is pertaining to water usage. What I am unclear about and would like to have clarified is an appropriate calculation of what the water usage will be and how that will be sustained in way that is not detrimental to us as neighbours that rely on the same water supply. As we all rely on well water in our area we need to ensure that our supply is not affected or contaminated in any way that will affect the quality or amount of water that we have access to.

I would like to have this concern taken into account and addressed in a factual and realistic manner prior to continuing to move forward with this project. Every day I see work that is being done at this site and I feel as though this project is continuing on regardless of concerns being raised or appropriately being answered.

I look forward to being brought up to speed with respect to the issue that I have brought up pertaining to water, as well as the other issues that will be discussed in the meeting on June 6.

I look forward to your response.

Paul Leeder

Bar,James

From: Laur [REDACTED]
Sent: Wednesday, November 13, 2019 4:34 PM
To: Mayor of Kingston; Oosterhof,Gary; Chapelle,Simon; Osanic,Lisa; Hill,Wayne;
Doherty,Bridget; Kiley,Robert; Kiley,Robert; Holland,Mary Rita; McLaren,Jeff; Neill,Jim;
Stroud,Peter; Hutchison,Rob; Boehme, Ryan N.; Bar,James
Subject: Unity Spa

Just a quick note to let you know that four of my friends and I are heading to Nordic Spa this Saturday.....I truly wish that the \$1000+ that the five of us will spend could be spend in our own community!! Let's get this project completed please!!

Wishing you a great day!
Laurie
2488 Battersea Road

Bar,James

From: Leonard Venditti [REDACTED]
Sent: Sunday, November 10, 2019 9:09 AM
To: Bar,James
Subject: Re unity farm spa

I had the pleasure of touring the future inn and spa. I believe it will be a wonderful asset to the city. I am in full support of this project and excited to use it once it opens. Kingston will gain as a city from this inn and spa.
Leonard Venditti

Sent from Leonard's iPhone

Bar,James

From: Lindsay Gibson [REDACTED]
Sent: Wednesday, November 13, 2019 2:25 PM
To: Mayor of Kingston; Oosterhof,Gary; Chapelle,Simon; Osanic,Lisa; Hill,Wayne;
Doherty,Bridget; Kiley,Robert; Holland,Mary Rita; McLaren,Jeff; Neill,Jim; Stroud,Peter;
Hutchison,Rob; Boehme, Ryan N.; Bar,James
Subject: Unity Farm, Inn & Spa

To the City Council and the Senior Planner for the City of Kingston,

This past weekend I had the opportunity to tour the grounds of the Proposed Unity Farm, Inn & Spa at their Open House. To quickly summarize, I was super impressed and genuinely excited about this wonderful project that will hopefully become a reality! As a female who has born and raised in Glenburnie, I appreciate the private, country properties and close-knit community the area provides. With that said, I believe Glenburnie could use more of an expansion, like this spa has to offer. Recently married, my husband and I purchased a home just off Unity Road. As a couple, we love going out for dinner, camping, participating in outdoor activities and I definitely love a day at the spa! To know that this could be accessible to us as a 10 minute walk is very exciting and would be a wonderful investment into the local community.

Of course, we had our doubts regarding noise and water demand for the spa - but, knowing that they have done the research on making it sustainable and keeping up with "country living" as to having no motorized vehicles on site (only in parking lot) and confining the spa area to quiet talking such as the Nordic Spa in Ottawa was comforting to know.

I think this is a great opportunity for Kingston tourism and a chance to finally bring Kingston transit out to Unity Rd. I truly believe that this will be a successful endeavour for the community and I fully support the momentum it needs to be approved.

Thank you,
Lindsay

Bar,James

From: Maureen Pickering [REDACTED]
Sent: Thursday, November 14, 2019 5:19 PM
To: Mayor of Kingston; Oosterhof,Gary; Chapelle,Simon; Osanic,Lisa; Hill,Wayne;
Doherty,Bridget; Kiley,Robert; Kiley,Robert; Holland,Mary Rita; McLaren,Jeff; Neill,Jim;
Stroud,Peter; Hutchison,Rob; Boehme, Ryan N.; Bar,James
Cc: info@unitykingston.ca
Subject: Unity Farm Inn &Spa Proposal

Hello My family and I attended the open house at the proposed site for Unity Farm Inn and Spa project. These people have a vision the City of Kingston should be proud of. I have lived in Kingston (within a few km 's from the site) my whole life 69 years and have not seen a more self sustaining proposal. They will be growing their own produce for the restaurant, using local farmers for what they can't produce, ponds for watering crops, apiary, sustainable energy solar and geothermal, on site electric self driving carts and electric tractor. They have thought of everything. You have declared a Climate Emergency in Kingston. If this proposal isn't approved a great opportunity will be missed. Clearly if you do not accept this you must have blinders on. I hope you have all had a site visit to see what an amazing proposal this is for the City of Kingston.

Yours Truly Maureen and Bob Pickering
Sent from my iPhone

Bar,James

From: paula.hogeboom [REDACTED]
Sent: Saturday, November 09, 2019 3:52 PM
To: Bar,James
Subject: Unity farm, inn, spa.

Dear Mr. Bar,

I had the privilege today of touring the proposed Unity Inn/spa project at their open house. I must say I was left speechless at their innovation, forethought, totally green sustainability and how they will benefit the community. Not only for the jobs they will create and offspin tourist dollars they will bring to the Kingston area, but the integration plans that will help local farmers as well. I can see this project becoming a world renowned, thriving tourist destination, with local businesses reaping rewards as well.

So very thrilled to see forward thinking innovators like this group, right here in our community! How lucky we are. I cannot wait to visit their restaurant and sample their wines from the onsite vineyards and foods grown in their gardens and orchards. Two thumbs up. How quickly can we get this going full steam ahead? Sincerely
Paula Hogeboom, Battersea

Sent from my Galaxy Tab® E

June 3, 2019

Dear Mr Barr:-

Please find enclosed a letter concerning the development taking place at 2285 Battersea Road. The information included is concerning the trees at this location. While we oppose the re-zoning of this property on many fronts (water, safety & traffic, location across from an elementary school, location in an area of residential homes and working farms and contamination of ground water and wells, we have been asked by the Glenburnie Residents Association to focus on trees in this location.

Sincerely,

Lorna Hendry
William R. Hendry

* ~~See~~ pictures
included

* BPE Tree Inventory
+ Tree Preservation Report

My name is Bill Hendry and my wife Lorna and I live at 2055 Perth road in Glenburnie .We own a 17 acre mixed forest of mostly maples and have owned this property since 1980. When we purchased this property , we found it had been grazed and there were no small and medium sized trees, and little forest cover of plants and wildflowers. We stopped the grazing. It was our intention to improve this bush, nurture the trees, and provide safe habitat for wildlife. We have planted in excess of 400 trees and have been planting nuts from butternut trees. The last large butternut tree lost its crown in the ice storm. We have worked with 2 foresters and an arborist over the years, and are in the third term of a managed forest programme. It was always our goal to have a heathy bush .It has taken 39 years for the woods to fill in with new growth, and finally forest plants, including wildflowers have regrown. We believe we are now part of the city of Kingston's urban forest . We have been asked to address the issues of the trees at 2285 Battersea Road on behalf the Glenburnie Resident's Association.

HISTORICAL COMMENT

When Europeans discovered North America and South America in the 1500 's the land was populated by 90 million indigenous peoples . In a very short time because of the diseases brought to them, only 5.7 million of them survived. They were primarily farmers and they cleared land for their crops. But there were so few left that they no longer needed all the cleared land and trees began to grow. By the 1700's the new growth of forests produced a mini ice age, putting into the air oxygen and taking carbon dioxide out of it. In 2019 we are in an opposite position, with more carbon dioxide and less oxygen in the air.

Mature maples with a large canopy put 600 gallons of water into the atmosphere every day. In the woods in the summer the temperature is 15 degrees cooler than our open fields. Trees mature very slowly. Mature trees can be from 175 to 400 years old, living longer than several human life times.

Climate disasters damage trees as witnessed in the 1998 ice storm. Our bush was heavily damaged and thanks to the efforts of the maple syrup producers association of Ontario, and the Federal Government's assistance plan, our bush was pruned to enable the trees to become healthy again. This damage caused by this storm resulted in the loss of 2 of our mature maples and a 400 year old oak .Some damage to canopy and roots may take many years to materialise and result in tree death. The newest climate disaster has been caused by the emerald ash borer and this city and inhabitants have been addressing this issue .

CONCERNS FOR THE PROPERTY AT 2285 BATTERSEA
ROAD:-----

From our experience in our managed forest, we know that there can be significant damage to root systems of trees if these root systems are exposed to excavation and soil compaction. This will cause damage to the trees by shortening their life span by several years, or killing the trees very quickly. The removal of topsoil and the compaction by heavy machinery in a construction zone, and stripping the land to the bedrock will make it impossible for the root systems of trees and other plants to filter water, therefore the natural purification of water cannot take place. This causes erosion and rain water, simply flows into the ditches on the roadsides over a rocky surface. This will also continue as projected roads and parking lots cause this water to be lost and not filtered into the aquifers. We have grave concerns for the changes that appear to have taken place at this location.

QUOTING FROM THE ETC ECO TREE CARE INC.
REPORT OF JULY17,2018'

Viewing the site today, it appears that many trees have already been removed, for the benefit of the proposed facility. I wonder if this tree removal was done in consultation or approval, under Kingston's urban forest plan.

“Because hard and soft scape features have occurred and continue to occur this report commissioned by BPE Development states that the trenching and soil compaction will

be felt by all the trees where this occurs, and all the trees within 1.5 times the drip line of their canopies. All trees where construction has {or will} occur within the drip line should be mulched, to reduce soil compaction, and assist water retention. Fencing to prevent machinery from entering the drip line is recommended to prevent further root detriment. It is also recommended in this report that all remaining trees should be protected throughout the construction period and any removal of trees be replaced by native species at a 1.1 ratio.”

It would appear that these recommendations by their own commissioned tree preservation report, have not been followed . We feel very badly for the immediate neighbours of this project and :-----

WE WOULD STRONGLY URGE THE COUNCIL OF THE
CITY OF KINGSTON TO DENY RE ZONING OF THIS
PROPERTY .

Sincerely

The image shows two handwritten signatures in black ink. The first signature is 'Lorna L Hendry' and the second is 'William R Hendry'. Both are written in a cursive, flowing style.

Lorna and Bill Hendry



Tree Inventory & Tree Preservation Report

2285 Battersea Road, Kingston, Ontario

July 17th, 2018

PREPARED FOR
BPE Development



PREPARED BY

A handwritten signature in black ink, appearing to read "Justin Smith".

Justin Smith
ISA Cert # ON-2155A
ETC Eco Tree Care Inc.
2375 Highway 15
Kingston, ON K7L 4V3
613-770-2940

Arborist Report – July 17, 2018

Arborist Report

Introduction

The purpose of this report is to summarize the observations of a site visit completed by Justin Smith of Eco Tree Care on July 9th, 2018. The purpose of this report is to describe all trees within an area being requested for commercial use in the future.

Location

This site is found at 2285 Battersea Road, located in Kingston, ON. This site is currently the location of a residential property, positioned on the north-west corner of the junction of Battersea Road and Unity Road.

Site Description

The site is located on land that has been previously developed. Changes have occurred to this site from its natural setting. The changes include the construction of a homestead within the past including out buildings. A change of grade occurs at the north and east edge of the survey area where the land slopes to the south. Most soil on site is considered native to the location.

Notes

The client has described no desire to remove any trees listed within this report moving forward.

Construction is currently taking place on this property. Major landscape changes are currently occurring around the main household structure. The installation of hard and soft scape features have occurred and will continue. Various areas on site have felt the impacts of trenching and soil compaction. These effects will be felt by all trees where construction has occurred within 1.5 times the drip line of the canopy. All trees where construction has (or will) occur within the drip line should be mulched to reduce soil compaction and assist with water retention. Fencing to prevent machinery from entering the drip line is recommended to prevent further root detriment.

Recommendations

It is recommended that all remaining trees be protected from construction activities throughout the duration of the construction process. If the removal of additional trees is required during the process of modifying the site, a minimum of 1:1 replacement ratio must be considered. 60mm trees (B&B) are considered suitable in this case. Tree species native to the landscape are recommended also.

Tree Count

Table 1 describes the result of the tree inventory.

*Trees without notes did not have significant issues to describe.

Table 1: Tree Count and Descriptions

ID	Species	Latin Binomial	DBH (cm)	% Deadwood	Condition	Notes
20005	White Spruce	<i>Picea glauca</i>	39.0	5	Good	out competed tree, in decline
20004	White Spruce	<i>Picea glauca</i>	35.2	10	Good	grade changes, root damage
20001	Norway Maple	<i>Acer platnoides</i>	21.7	5	Fair	grade changes, root damage, lost top in past
20008	White Birch	<i>Betula papyrifera</i>	28.1	5	Fair	grade changes, root damage
20003	Scots Pine	<i>Pinus sylvestris</i>	66.3	10	Good	grade changes, root damage
20018	White Spruce	<i>Picea glauca</i>	18.4	70	Poor	tree in decline
20027	White Spruce	<i>Picea glauca</i>	35.1	20	Good	grade changes
20030	Douglas Fir	<i>Pseudotsuga menziesii</i>	52.9	15	Good	grade changes
20047	Sugar Maple	<i>Acer saccharum</i>	18.8	5	Fair	frost crack
20052	Norway Maple	<i>Acer platnoides</i>	23.6	5	Good	poor form
20051	Douglas Fir	<i>Pseudotsuga menziesii</i>	46.9	20	Good	suspected internal decay
20057	White Spruce	<i>Picea glauca</i>	40.5	15	Good	
20058	Blue Spruce	<i>Picea glauca</i>	34.8	25	Good	
20060	Norway Maple	<i>Acer platnoides</i>	20.6	5	Good	
20061	Norway Maple	<i>Acer platnoides</i>	46.5	5	Good	co-dominant stems
20067	Scotts Pine	<i>Pinus sylvestris</i>	47.9	20	Good	
20062	Norway Maple	<i>Acer platnoides</i>	40.3	10	Poor	grade changes, Eutypella canker

Arborist Report – July 17, 2018

20071	White Spruce	<i>Picea glauca</i>	26.2	20	Fair	soil compaction
20074	Douglas Fir	<i>Pseudotsuga menziesii</i>	57.7	15	Good	
20068	Norway Maple	<i>Acer platnoides</i>	17.9	5	Fair	outcompeted tree
20075	Black Locust	<i>Robinia pseudoacacia</i>	36.2	15	Good	old trunk wound
20076	Black Locust	<i>Robinia pseudoacacia</i>	67.6	15	Fair	
20087	Black Locust	<i>Robinia pseudoacacia</i>	29.5	15	Poor	internal decay, splitting in main union
20099	Norway Maple	<i>Acer platnoides</i>	56.9	5	Fair	internal decay, loss of large stem in past
20084	Norway Maple	<i>Acer platnoides</i>	45.2	10	Fair	internal decay, poor form
20089	Black Locust	<i>Robinia pseudoacacia</i>	73.5	70	Poor	internal decay, poor form, tree in decline
20090	Scotts Pine	<i>Pinus sylvestris</i>	26.1	50	Poor	outcompeted tree, tree in decline
20102	Norway Maple	<i>Acer platnoides</i>	18.9	10	Fair	out competed tree
20098	Norway Maple	<i>Acer platnoides</i>	18.8	5	Good	
20105	Douglas Fir	<i>Acer saccharum</i>	30.1	60	Poor	tree in decline
20109	Norway Maple	<i>Acer platnoides</i>	19.5	5	Good	storm damage (mid canopy)
20111	Siberian Elm	<i>Ulmus pumila</i>	33.3	10	Poor	canker at buttress
20112	Siberian Elm	<i>Ulmus pumila</i>	68.6	20	Poor	heavy pruning in past, multiple failures, heart rot
20115	Norway Maple	<i>Acer platnoides</i>	90.9	10	Poor	significant buttress decay
20104	Norway Maple	<i>Acer platnoides</i>	11.5	5	Good	
20097	Blue Spruce	<i>Picea pungens</i>	15.1	30	Fair	out competed tree
20091	Blue Spruce	<i>Picea pungens</i>	24.6	50	Fair	
20092	Blue Spruce	<i>Picea pungens</i>	19.8	20	Fair	
20100	Blue Spruce	<i>Picea pungens</i>	21.5	35	Fair	out competed tree
20117	Douglas Fir	<i>Pseudotsuga menziesii</i>	34.2	30	Fair	poor formed limbs
20093	Douglas Fir	<i>Pseudotsuga menziesii</i>	27.8	40	Good	
20123	Blue Spruce	<i>Picea pungens</i>	N/A	N/A	N/A	dead tree

Arborist Report – July 17, 2018

20121	Norway Maple	<i>Acer platnoides</i>	37.2	5	Fair	heart tort, significant lean
20114	Silver Maple	<i>Acer saccharinum</i>	101.3	5	Good	large deadwood pieces in canopy
20094	Sugar Maple	<i>Acer saccharum</i>	112.1	5	Fair	significant heart rot
20082	Honey Locust	<i>Gleditsia triacanthos</i>	27.3	25	Good	
20078	Silver Maple	<i>Acer saccharinum</i>	77.7	5	Good	root damage due to construction
20083	Silver Maple	<i>Acer saccharinum</i>	109.8	5	Good	root damage due to construction
20116	Silver Maple	<i>Acer saccharinum</i>	83.5	5	Good	root damage due to construction
20120	Douglas Fir	<i>Pseudotsuga menziesii</i>	42.2	30	Good	
23002	Douglas Fir	<i>Pseudotsuga menziesii</i>	22.2	30	Good	
23003	Douglas Fir	<i>Pseudotsuga menziesii</i>	21.2	30	Good	
23004	Douglas Fir	<i>Pseudotsuga menziesii</i>	28.3	30	Good	
23005	Douglas Fir	<i>Pseudotsuga menziesii</i>	26.3	30	Good	
23006	Douglas Fir	<i>Pseudotsuga menziesii</i>	25.9	30	Good	
23007	Douglas Fir	<i>Pseudotsuga menziesii</i>	22.5	30	Good	
20120	Douglas Fir	<i>Pseudotsuga menziesii</i>	63.3	35	Good	
20124	Norway Maple	<i>Acer platnoides</i>	24.7	5	Fair	out competed tree
20126	Siberian Elm	<i>Ulmus pumila</i>	61.2	10	Poor	heart rot, poor form, multiple failures, cankers
20127	Carolina Poplar	<i>Populus x canadensis</i>	145.5	20	Fair	tip dieback (upper canopy)
20122	Red Oak	<i>Quercus rubra</i>	28.0	5	Good	root damage due to construction
23013	Siberian Elm	<i>Ulmus pumila</i>	21.8	20	Good	root damage due to construction
23009	Norway Maple	<i>Acer platnoides</i>	25.8	5	Good	root damage due to construction
23008	Norway Maple	<i>Acer platnoides</i>	21.5	5	Good	root damage due to construction
23010	Sugar Maple	<i>Acer saccharum</i>	19.1	5	Good	root damage due to construction, Eutypella canker at base
23011	Siberian Elm	<i>Ulmus pumila</i>	20.5	5	Good	root damage due to construction
23012	Basswood	<i>Tilia americana</i>	16.5	5	Good	root damage due to construction

Arborist Report – July 17, 2018

20110	Scotts Pine	<i>Pinus sylvestris</i>	26.5	10	Fair	out competed tree
20108	Siberian Elm	<i>Ulmus pumila</i>	52.8	15	Good	root damage due to construction
20113	Basswood	<i>Tilia americana</i>	21.4	5	Fair	root damage due to construction
20107	Norway Maple	<i>Acer platnoides</i>	30.7	5	Fair	girdling roots, frost crack
23014	Basswood	<i>Tilia americana</i>	15.6	5	Good	root damage due to construction
23015	Siberian Elm	<i>Ulmus pumila</i>	24.5	10	Good	root damage due to construction
23016	Scots Pine	<i>Pinus sylvestris</i>	22.1	5	Poor	root damage due to construction, heart rot
20088	Siberian Elm	<i>Ulmus pumila</i>	36.5	20	Fair	root damage due to construction
20086	Siberian Elm	<i>Ulmus pumila</i>	31.8	15	Fair	root damage due to construction
23017	Scots Pine	<i>Pinus sylvestris</i>	26.3	25	Fair	root damage due to construction
23018	Basswood	<i>Tilia americana</i>	18.9	5	Good	root damage due to construction
23019	White Cedar	<i>Thuja occidentalis</i>	17.4	10	Good	root damage due to construction
20079	White Birch	<i>Betula papyrifera</i>	42.5	5	Good	root damage due to construction
20077	White Birch	<i>Betula papyrifera</i>	46.5	5	Good	root damage due to construction
20073	Siberian Elm	<i>Ulmus pumila</i>	53.2	5	Good	

Glenn Wry

TO QUOTE
what Mr. Pilon said to us, it
isn't as tranquil.

My name is Glenn Wry and I have lived at 2329 Battersea Road for twenty years, which is the adjacent property immediately north of the site. The proposed rezoning would surround two sides of my rural home with commercial operations and hundreds of people, this is not why I chose to live and want to continue living there. I am opposed to the application for Official Plan Amendment and rezoning of 2285 Battersea Road for many reasons, one of the biggest being water.

Tranquil

I have spent a great deal of time reading ASC Environmental Hydrogeological Study for the proposed hotel, Although I am not an engineer nor am I educated in how water moves under the ground, I think I have a good grasp on what gravity does and how water will always find a way to obey it.

This report asks us to believe that the deep wells they have drilled into lower layers of rock will not affect the higher layer where local residents get their water, even though they all get recharged from precipitation, somehow the water we and our neighbors depend on knows to stay in the upper aquifer despite the hotel pumping as much as they can from under it. To think that what happens in one layer of rock does not affect the layers above it is absurd.

Although the math shows that enough annual precipitation falls to replenish the ground water, it is not evenly spaced throughout the year, there is no reason to think that the rain we get in April will sit around until you need it in August. In dry times we, and others around us, cut down on water usage, for our own wells and out of consideration for our neighbours and we have never run out of water. How successful will our efforts be when a couple of hundred feet away they are taking enough water every day to last my family two months or more?

This proposal claims that they will take 45,414 liters of water per day, the same amount of water as 70-89 single family homes, with the plan to expand with the equivalent of at least another 30 homes with the campground and venue in the woods, I do not think that approval for 120 homes would be allowed on a 33-acre unserviced rural site, for many reasons. The flow calculations they use for estimating water usage have some questionable numbers such as a low employee count, very low expectant spa visitors and nobody using their corporate venue. But with the well capacity to pump 130,000 liters a day, there is some room for error.

The Ontario Ministry of The Environment requires a Permit to Take Water be applied for when daily water taking exceeds 50,000 liters. It is very convenient that the wells tests and proposed water usage of the hotel is 45,414 liters/day, and obvious why the water required for the additional cabins was not factored into the tests. The Ministry does not issue these permits when the taking of water in an area would adversely affect existing users. If the Ministry of the Environment thinks 50,000 liters in a day is excessive and requires a permit, why should someone be able to take in excess of 50,000 liters every day?

I am aware of all the water saving and recycling plans BPE has for the site. They are impressive, but I do not believe anybody can be certain that after weeks, months or years of operation neighboring wells will not be adversely affected, not even considering the climate changes that seem to be happening.

On page 45 of the ASC report in the study limitations section it says "No investigation method can completely eliminate the possibility of obtaining partially imprecise or incomplete information; it can only reduce the possibility to an acceptable level" at what level are the loss of water to us and our neighbors acceptable?

Thank you, I have submitted a letter with details I could not get into 5 minutes, I hope you will all read it in your consideration of this matter.

Re: Unity Road Spa

Proposed Unity Spa, corner of Unity road and Battersea Road within the limits of the city of Kingston.

I have maintained that I am not against the proposed development a spa at this location, even as it is within a 100 meters of my home, unless it has a negative outcome to those whom are already established in the area.

My concerns have always been:

- 1) The continuance availability of clean fresh water, as we are a rural area dependant on drilled wells.
- 2) Any detrimental affects on property values. As every home, everywhere, is an investment for the property owner, I am no different. I need assurance that my property is not devalued, because of this "Proposed" development.
- 3) The so called 'proposed' development appears fully approved. The work on the property in question, other than a winter slowdown, has been continuous. Although a permit for the work was not initially required, it looks like complete terra forming. This process seems very expensive already, thereby making any reasonable person think the application is only a formality and has already been approved or else the company stands to lose a lot of money in a failed development, which is not sound business practice.

I have not heard once that the development will guarantee my continued clean well water, nor have I heard that this development will not have a negative impact on my property value. The huge influx of recent sales in and around this proposed site speaks volumes to how other property owners feel. As I care for my adult brother with special needs, my mother lives in a basement apartment in our home and my own family with my wife and two children also live here, finding suitable housing would be nearly impossible for us. So we have to stay and weather the storm.

There are numerous other concerns that are not small.

- 1) Increase traffic within a residential area including a nursing home, senior's apartment complex, two churches and a public school.
- 2) Increase noise and light levels associated with a convention/conference type venue which the developer has specifically said, Hopes to be filled with wedding receptions, conferences and more.
- 3) Sewage/garbage disposal as lots of waste is generated at a modern wedding reception, convention or conference and it all needs to go somewhere including into the ground. As there is no sewage north of the 401.

These are again not small concerns, that the city of Kingston has specific regulations regarding these which need to be met 100%. And yet the development continues and money is still spent daily at this "proposed" development.

As a city property tax payer, not an insignificant amount either, I believe we are entitled to insurances from both BPE developers and the corporation of the city of Kingston. That all these concerns are addressed and met. Until that happens I see no way to endorse this development and in fact will have to oppose it.

Sincerely,



John Loyst



Christopher Walker

**Presentation
Unity Farm Inn Spa
June 6, 2019
Kingston City Hall
Council Chambers**

I am Chris Walker, born in Kingston, raised in Verona. I have lived for 25 years of my life north of the 401 on the Great Canadian Shield as part of a business-family and have lived for 28 years on the limestone sea-beds of Kingston, and am presently in a three-fold approach to my work-life, as a Minister, the designated Memorial Celebrant for Jame Reid Funeral Home , and as an employee in a unique grocery store/ deli —living by choice and vocation in Downtown Kingston. After serving in full-time ministry over 40 years, it is a happy convergence to work in 3 differing yet related capacities all equally significant . I have intentionally offered to Ben, Michelle and Betty to speak tonight because I believe in what they are doing with BPE and, frankly, because what they are doing accords with my worldview: that 'change with integrity' is essential to life and that life is about serving others to offer people a hope and a future.

Over half of our life together , Marie and I have gladly worked and lived in Kingston and area — Marie at St. Mark's Lutheran and in establishing what became known as the Chaplaincy at St. Lawrence College — me as a minister at 4 differing downtown Churches, in churches over a century old (what's known as Next Church, now an alternate-approach Free Methodist congregation

on Colborne Street, Bethel Church originally a Congregational country-church which has since 1925 been a long-standing student-driven congregation on Johnson @ Barrie and was started by First Congregational Church now a day-care and alternate-use church-building on Wellington at Johnson , St. Andrew's Presbyterian— a congregation which has anchored the corner of Princess and Clergy since 1817 and was responsible for beginning Queens Presbyterian Collegej which has now revitalized under a new sense of purpose and, presently , I am the designated pulpit-supply preacher at First Baptist Church on Sydenham at Johnson as they are in crisis and seek to begin again in a new way— privilege thereby to serve in a 4th congregation in old Downtown Kingston. This context is all helpful to understanding my motivation for being here. I have had a chance to observe what BPE Development Inc. has being doing over a period of time and , most recently, from a closeup vantage point. My thoughts are both objective and subjective, and I am following my Leader's command to His followers to simply let my yes be yes and my no be no; my thoughts speak for themselves.

This city has chosen to have a vision for the future, not for the past - my wife Marie and I have seen that become evident from the onset of the resurgence in Downtown Kingston since the 1970's. During my time in serving these long-standing congregations, I have said : there is no such thing as a vision for the past, there can only be hope if there is a vision for the future. That pertains not only to old

congregations, but to individuals and personal households, as well as neighbourhoods and municipalities.

It has been my observation, from further away and now close-up, that BPE has engaged in 'change with integrity' to the betterment of this city and that has become evident again in their inspiring vision for the future embodied in Unity Farm Inn and Spa.

About 6 years ago, our lives unexpectedly intersected with BPE. Their group met in St. Andrew's Hall, part of the Presbyterian Church, in order to have a neighbourhood meeting about their plans for old Queen Street United Church (corner of Queen and Clergy) and 4 buildings surrounding the church. It was going to 'go condo' at the time. I sat in on that meeting while I was Minister there, and distinctly remember believing that BPE's ideas and visions for Queen Street had implications for St. Andrew's as a congregation and for the reasonable concerns of developing Downtown Kingston — I liked 'the cut of their jib' — change with integrity. Indeed, their plan for that building changed; it is now the work of art inside and outside, called The Sanctuary, a co-working space. Do yourself a favour and check it out and other buildings in Downtown Kingston that have had the good fortune of coming into the hands of the thoughtful, creative people of BPE. Their already-established works are a supreme example of what you can expect for Unity Farm Inn and Spa — faithfulness to the history and repurposing to the future needs of the corner of Battersea and Unity Roads and its' surrounding neighbourhood.

Last year, we needed to find a new/old place to rent in our beloved Downtown Kingston, and into BPE Rentals online. I said to Marie 'check out BPE , and see if they have anything. That's a group that thinks like we do.' As of a year ago, we live in part of the old church-manse in behind The Sanctuary and just signed our second annual lease. We have been treated more than fairly as tenants by a stellar team of creative, caring individuals and we have the pleasure living literally in the shadow of The Sanctuary where we have observed with pleasure and respect the use of an old building which has been changed with integrity. It is alive with activity and serves a broad spectrum of people's needs.

A year ago now, BPE had a picnic outside the main doors of The Sanctuary to celebrate its' one-year anniversary and The Grocery Basket, another BPE repurposed-space in Downtown Kingston, next to the original James Reid establishment. I had said to Marie, "if Ben Pilon is there, I'm going to tell him that I want to work for him" because along with our household move, my career of full-time congregational ministry had completed and I was looking to do something completely different. By August last year, I was working at The Grocery Basket and picking up where I had left off with my family's business which was a grocery ad general store in Verona when I went away to attend seminary in 1980. Since then, a second Grocery Basket store has opened up about a block from here at the corner of Ontario and Johnson where I have been since last December.

From Spring, 2013 at St. Andrew's Presbyterian, to our move last Spring to a BPE-owned rental space, to the last 9 months at

Grocery Basket -- BPE's lived-out business philosophy has become evident again and again: employ the very best people. treat staff and suppliers and the local area with respect, make changes when necessary, take that which has already served a good purpose and make it work again in a new way, work together with other stakeholders to make reasonable compromise along the way, trust your people to make wise choices whether they are ministers, tenants or employees.

To all here gathered, I affirm with enthusiasm: Ben, Michelle and Betty and the entity known as BPE Development Inc. have proven their commitment to the same core-values as the stakeholders who are speaking tonight. I gladly endorse the scope and the depth of their commitment to do the right thing in this Unity Farm Inn and Spa vision. Everything old can indeed become new again; it is my belief that we all want and need to have people who have the kind of foresight that have been openly on display in the evident product already shown in Downtown Kingston. Openness , honesty and transparency has been my byword for years of ministry ; that has been my experience with BPE.

From: Sonya Bianchet, Glenburnie Resident
2370 Battersea Road across from the North section of proposed development

Planning Committee, City of Kingston
RE: 2285 Battersea Road, Proposed Development

I am writing to express my opposition to the proposed Official Plan amendment and rezoning of 2285 Battersea Road to facilitate the development of Unity Farm, Inn and Spa. This submission for the Senior Planner and the Planning Committee is intended to document some of my questions and concerns related to the Proposed Unity Inn and Spa. I have many other concerns, however I'm aware that they have been posed by other neighbours.

On a personal note, I must start by saying that although we pay Kingston-sized property taxes, we do live in the Countryside district, an area known for rural residential "country" living. Those of us living in this area have chosen to live here for the peace and tranquility of country living, despite the lack of access to municipal water, sewer and other amenities. It is our hope to maintain this quiet, rural way of life.

Of further note, I would like to add that the approach to date has seemed deceptive, with the developer exploiting current zoning to do as much work as possible for Unity Inn and Spa under the current rural residential zoning. Permits have been issued under the current zoning of residential and farm for work that is clearly intended for a proposed commercial venue.

Almost every day, I drive across Unity Road past the new, approved entrance to 2285 Battersea Rd, just to the West of Battersea Rd. I feel sickened every time I see the massive new driveway that BPE has cut into the rock for a second entrance off Unity road.

Regarding more specific details providing in the application for rezoning:

1. Restaurant:

- I see in various documents that the food services (restaurant) component is mainly intended for guests of the spa and Inn; however, it seems the restaurant will also be open to day spa visitors, corporate event venue users, as well as members of the public. I do not see where maximum capacity for the restaurant (including outdoor and rooftop patio) is considered with respect to traffic studies, water usage, and so on. If zoning is approved and this facility becomes a popular local food and beverage establishment, has this type of regular, fully occupied guest usage been considered or will there be a maximum usage placed on the facility? Some of the reports seem to "lowball" the estimated number of guests.

2. Traffic

- Traffic and water usage are of particular concern here, as well as noise from outdoor speakers (DJ or band), and the increased possibility for guests who will leave the restaurant/bar or "corporate venue" (ie. wedding venue) premises while driving under the influence of alcohol, cannabis or other substances. While I do not support the rezoning for this proposed facility, I encourage the Planning committee to include significant restrictions or limitations if they decide to endorse this plan.

3. Water issues: Water is a significant concern for rural residents. I have a number of concerns in this regard:

First, I question the methodology of the well-water testing that occurred particularly since the final well test only lasted a few hours. Furthermore, while various documents suggest that only one well will be used, what is to stop BPE from drawing water from all 3 new wells, concurrently?

While we live in Kingston and pay City tax rates, we do not have access to the municipal water supply; we rely on our wells for water, and we use them judiciously, conserving water wherever possible. In the peer review of the Hydrogeological Assessment, I would like to feel satisfied that ALL possible water usage is factored into the effect on the local community. ***I'm sure you can understand that if I run out of water at my home, my house and property will be worth virtually nothing.*** The draw on water from this Proposed project will be **considerable**, and has the potential to significantly impact local, rural neighbours. If approved, the demand for water would include, but not limited to:

- showers at the spa facility, based on maximum capacity
- showers at the Inn and glamping cabins, based on maximum capacity
- laundry for linens (table, bedding, spa towels, overnight guest towels, aprons, and so on)
- dishwashing and glass-washing services at the restaurant facility
- food preparation
- toilets at the spa, corporate venue, Inn, glamping cabins, and so on
- maintenance of pools/spas under the relevant regulations of the Health Protection and Promotion Act (see #4 below)

While some of the related water usage has been addressed using current water conservation approaches, I would like to ensure that the calculations for water usage take into account all of the many, varied draws on the water supply that would come with a business facility of this kind; we would not know for certain the demand on our local water supply until the Proposed project is up and running. For my family and neighbours, the risk of finding out we have too little, too late, is VERY concerning.

4. Water Issues – pools and Spas:

Various documents pertaining to water usage and otherwise speak to filling pools and spas with water from "off-site", such as bringing in a water truck for the initial fills, and the proposal submission reads: "As such, the pools will not have an impact on the water supply demand placed on the well". However, I have not seen in any of the submitted documents any reference to the ongoing water usage as it relates to the Ontario Health Protection and Promotion Act. In particular, it is important to consider DAILY water usage as it relates to the sections on draining, refilling and make-up water based on spa/pool size and the number of users. Furthermore, the required draining of chemically-treated pools and spas into the waste-water in our community is an environmental concern.

Ontario Public Health Standards:

http://www.health.gov.on.ca/en/pro/programs/publichealth/oph_standards/docs/protocols_guidelines/Recreational_Water%20Protocol_2018_en.pdf

Ontario Regulation 428/05, Public Spas, Available from:

<https://www.ontario.ca/laws/regulation/050428>

Public Pools, RRO 1990, Reg 565. Available from:

<https://www.ontario.ca/laws/regulation/900565>

5. With respect to the submitted traffic study, I have several concerns about the study itself and related recommendations.

- I understand that traffic flow has not recently been assessed; this report was based on old data. As someone who occasionally runs along this section of Battersea Rd on weekdays during the morning commute, I see significant traffic.
- Given the health impacts of our growing overweight/obese population, including children, I am encouraged by the number of students who walk, run or cycle to school in the morning. However, I am also concerned that the increasing traffic in our small Glenburnie community will result in fewer children who feel safe with active transportation on our rural roadways.
- Furthermore, the traffic study does not reference the fact that at least TWO (2) of the property entrances on Battersea Rd are on an elevation or incline where it is more difficult to see oncoming traffic. Southbound drivers will be leaving an 80km/hr zone and entering a 60km/hr zone just before the proposed entrances where a northbound driver would be turning left in front of this traffic, increasing the likelihood of an accident. In addition, residents of this rural residential area know well that the dirt and gravel on the east side of Battersea Rd is often eroded through this section, leading many drivers to "fall off" the side of the pavement, and get pulled into the ditch, particularly hazardous in winter months. If this proposed rezoning is approved. A left turning lane would be essential (for northbound traffic), as well as paved road-sides.

- Battersea Rd is part of the emergency detour route off the 401. It is becoming increasingly common that significant motor vehicle accidents result in traffic being rerouted off highway # 401 up Battersea Rd to Unity Road, or further north.
- There is no road lighting at the corner of Unity and Battersea Road, nor along the section of Battersea Road north of Unity Road in the area of the proposed development. The Proposed project has the potential for a high volume of vehicular traffic based on maximum usage of all the facilities; the majority of users/visitors would be from out of town, and unfamiliar with the local area. Nighttime driving, combined with the likelihood of impaired driving, the location of driveways, unfamiliarity of the area, and a seemingly incomplete traffic study suggest to me a high potential for motor vehicle accidents in this area. In addition to possible injury or death, an accident resulting in road closure would create a significant inconvenience for local residents traveling to or from their homes north of Unity road, to the rural areas of Kingston, or to South Frontenac. Anyone traveling to or from work in Kingston on a weekday is accustomed to the significant traffic that flows in from North of the 401 on all of our major North/south veins (#38, Sydenham Rd., Sir John A, Division, Montreal/Battersea, #15, Joyceville Rd). Our community is rural residential, with schools and churches... it is not intended for, and does not support, a large commercial development such as the Proposed Inn and Spa.

6. Regarding the current and extensive work that has been occurring on this property, I am concerned that there are impacts on grading without a grading permit. BPE has done significant work on ground preparation including clearing, driveways, roadways, and landscaping that can impact the natural flow of water and run-off in our community.

7. Criteria for New Development

Of significance, I question the applicability of section e) below in the criteria for new development. I have not seen a market justification study, and I would argue that the proposed use CAN be accommodated on an existing commercially designated sites in the *Urban Boundary*.

Taking into account section 3.14.8, any proposal for a new or expanded Rural Commercial designation will be assessed subject to the following considerations and provisions (below):

- a) the location, wherever possible, must be on the least productive agricultural lands and on sites that will not hinder agricultural operations;
- b) a minimum lot size of one hectare must be provided, permitting adequate access, off-street parking, loading, *individual on-site water services* and *individual on-site sewage services*, setbacks, and buffering;

- c) the location and use must have no *negative impacts on natural heritage features and areas*, as proven through an *environmental impact assessment*, described in Section 6;
 - d) a *residential unit* as an *accessory use* may be permitted on the same lot, provided that no severance is created and such residential use meets the *minimum distance separation formulae* and the Ministry of the Environment and Climate Change requirements for *sensitive uses* (D-6 Guideline); and
 - e) a market justification study and impact assessment may be required that demonstrates to Council's satisfaction that:
 - the type and size of the proposed use are warranted;
 - the planned function of existing or approved commercially designated sites in the *Urban Boundary* will not be undermined;
 - **the proposed use cannot be accommodated on or is not suitable on existing commercially designated sites in the *Urban Boundary*; and**
 - the proposal meets other criteria as deemed appropriate by the City.
8. Each of the submitted studies with corresponding reports include recommendations moving forward. Who holds BPE accountable to ensure that logical recommendations are carried out if this proposal is approved?

Support for Unity Inn and Spa

As a young adult who has lived her entire life in Kingston and come from a very long family history of Kingstonians, I'd like to offer up my support to BPE Group's newest project: Unity Inn and Spa.

I was born and raised in Kingston, attended University here at Queen's for both my Bachelor of Arts Honours degree and my Bachelor of Education, and now work as a high school teacher for the Limestone District School Board. Kingston has always been my home, and I plan to keep it that way, raising my future family here just as I was. There is something special about this city. The mixture of small-town atmosphere, history, and exciting events for families and people of all ages makes Kingston a desirable residence for many, and a popular travel destination for even more tourists. Not only these valuable traits, but also the rate at which our city has grown even in my lifetime is amazing. Something that I believe would benefit all of these characteristics and aid in our city's growth is the addition of BPE's Unity Inn and Spa.

I have interacted with BPE group for just over 3 years now. I've grown to know this company through visiting their many other businesses such as The Grocery basket, Lovebird Bridal Boutique, and Sanctuary Co-Working fairly regularly. I've had the pleasure of interacting with many staff members at all levels within BPE, and more specifically, spending time with Ben and Michelle Pilon, the owners. I can tell you from personal experience that they hold strong family values and understand and respect the importance of the history and uniqueness that Kingston offers to its residents and visitors.

As can be seen in their other businesses, such as those mentioned previously, BPE has always done their best to maintain the integrity of the history that the buildings in our

limestone city have to offer – celebrating and restoring the old-world charm while also modernizing and bringing these buildings back to life. I recently spent time working as a teacher in Europe, and the creative ways that history and modernization were mixed was incredible. It would be great to see Kingston business owners take pride in these types of update and restoration ventures. To maintain and save our architectural history should be a major goal for every business owner, as it is BPE's. I am more than certain that the historical farmhouse and property that is the proposed inn and spa would be held to the same standards as their other businesses have been. In addition, their care for ensuring safety and respect is provided to all those around them during reconstruction is evident from the other businesses that they own, and I have no doubt that every avenue of care and 'getting-the-job-done-right' has been taken seriously in the work at the unity property.

The inn and spa itself will be a benefit to our city both in bringing in revenue and in creating jobs for local residents, all while maintaining the tranquility that this rural area of Kingston has to offer. I personally know many local people who very regularly frequent spas out in Prince Edward County and even as far as Ottawa (such as the Nordik Spa), and I know that this venture by BPE would do well in serving people who'd like this type of getaway just a bit closer to home. This will also bring in more tourism to our city. What better way to wind down from a weekend of exploring Fort Henry, Kingston Pen, our beautiful downtown and the 1000 Islands than to spend a day and a night at a local spa retreat? I can't think of one.

With every industry represented at the Inn and spa from food service, to landscape and building maintenance, to customer service and business management, to aestheticians,

massage therapists, and more, there is a job in almost every profession that will be opened up to our community members. This project creates work and opportunity for us all at every turn.

As a young professional who has an undying love for her home town, I truly believe in this project and in the people who work at BPE. Their family and community values are next to none, and I know that the rezoning for the Unity Inn and Spa project should be approved as it is a business venture that will undoubtedly add value to our community.

Thank you.

Thurs. June 6, 2019

①
To: James Thompson, Committee Clerk, Planning Committee,
and members of Planning Committee.
From: Frank Dixon, 2-495 West St., Kingston, Retired
Ref: Submission on BPE Dev. proposal D35-003-2019,
Patterna Rd. (3 lots)

I have several important questions, and concerns.

- 1) The project has seemingly started already. Wells have been drilled; rock-breaking has been taking place; new roads have been ^{new roads have been} ~~been~~ ^{needed} AND/OR issued for this work? Proponent ^{needed} ~~needed~~ public.
- 2) There is a heritage component to the project. Has Heritage Kingston Committee been brought into the loop of work as yet, and if not, when will it be consulted? I believe precedent states: HK, then PC.
- 3) I note that at least one major project in Kingston, involving this developer, FAILED in a spectacular manner - the Kingston project, NE corner of Brock and Wellington Streets. I believe this is a significant factor for this MUCH LARGER and more AMBITIOUS proposal.
- 4) Can the Committee and the public learn the name and qualifications of the Hydrogeologist(s) and/or Geotechnical professional(s) working on the projects? No survey information - WHY NOT?
- 5) In dry conditions, with limited rainfall, there would be shortage of rainfall for Cistern collection. What is the back-up plan for dry weather?

(2)

- 6) What are the depths of the other wells in the area? Could a map of well distribution be supplied by the proponent? With depths/flows.
- 7) What are proponent Van Pelt's qualifications, if any? The presentation was ~~unlabeled~~ ^{lacking good facts} and unprofessional.
- 8) Why aren't the extensive slides given by the proponent made available in the Agenda Package this time? Could there be made available ASAP?
- 9) Could nearby property owners who potentially could lose their well water, should this project proceed, sue the City of Kingston for damages?
- 10) Have the proponents/city planners examined similar projects, and collected information on ^{these specialized} any negative consequences? City staff are ^{weak on} ~~not~~ ^{qualifying} ~~not~~ ^{qualifying}.
- 11) It is an ~~unlabeled~~ ^{unlabeled} that additional wells may be needed, as the project expands into its later phases. The proponent is 'seeking to manufacture consent.'
- 12) Traffic volumes will increase, for the rural area.

Respectfully,



Frank Dixon

I want to strike a balance of praise and

PS: I am enchanted by the imaginative concept; the business plan seems appropriate; and there are many possible project benefits. However, my concerns are listed in the 12 points.

Thursday June 6th 2019

An open letter to my city councillors,

In regards to the proposed Unity Inn and Spa Project.

Have you driven by the site of the "Proposed Unity Inn and Spa?" To those of us who surround it and call this area home, whom live within a 100 yards of this development, whom have endured the noise and work that has already taken place, the word "proposed" seems obsolete.

I attended the meetings at the beginning of last summer, until they became something of a screaming match. So my interest in being involved and standing against this project on a monthly basis became challenging to me. I brought my daughter as I felt it important for her to see democracy. But to be honest as each bull dozer started its day at 5 am last summer, I started to believe that this was no longer a "proposed" project but yet a project the city of Kingston was allowing to happen, with hopes of little or no input from the area residents.

Have you ever tried to sell a home without a working well? Probably not. But I have. And the property value drops by hundreds of thousands of dollars. When the water you now need is found deeper then you can afford to drill. This happened to me in 2010. After the death of my mother. Not only was I trying to deal with her loss but with the loss of any potential inheritance, because like most Canadians my mother had hoped her children could share in the shared value of her home. This never happened. We sold the home at a third of its estimated value, to a man who could afford the drilling.

I would also like to share another little story. About attempting to do a little renovation project of my own. About 5 years ago I made the foolish mistake of purchasing a garage for my property. I did so without looking into the bylaws. Once I did and came to the city of Kingston for a permit I was told, that by no means could I put the garage up. It couldn't be put where I wanted as it was too close to the property line, that the former owners had put a shed up without approval from the city and this was also a problem. I then asked what would happen if I proceeded without a permit. As putting the garage where my in-ground pool now sits seemed ridiculous to me, the reply was simple. You will be fined TEN thousand dollars for every day the garage stands before it's taken down. I was also given a long list of requests. Going around to each of my neighbors, posting signs with my intentions and then coming before city council. Well to be honest this all seemed an impossible uphill battle. So as I type this we still have a garage in pieces in my driveway. As I couldn't afford the fines, but I will presume that no fines have been given in regards to the work that has already taken place at the proposed unity inn and spa site. I try to teach my children that the world is fair. But situations like this sure do challenge my beliefs.

Part of my frustration also lays in the perception that those of us opposed to this project, don't support change or locally owned business. I support a business that BPE owns on a daily basis, whether it be on Social media or in person. I am not against them personally. I support local business whenever I can. My concerns come from the fact that I live directly across the street from this new development. A development that has not made me feel at ease about the potential for a decrease in value to my home in years to come or that the water table can continue to give me clean sustainable water to my home. Something I was never concerned about before I had to sit across the table from someone in my own home, a company testing my well and those around me for sustainability. But even after their finding

they couldn't say without a reasonable doubt that I wouldn't have problems in the years to come. She said no one could. That was not the answer I was looking for.

I want and need my home to be exactly what I bought it for. To be a loving home for my family and extended family whom live within its walls. A home with sustainable clean water and hopeful continued growth in property value as we bought this home as our nest egg for down the road. I can't move, like many other people have done. My home is specialized for someone with special needs, so leaving was never an option for us. I moved to Glenburnie for the quiet and the stars. I moved to Glenburnie from the city as I was tired of the congestion of cars and traffic. I moved here for the solitude to raise my family in peace. Please allow me to be able to continue to do this and not worry about my pending future every day.

Sincerely,

A handwritten signature in black ink that reads "Sarah Mitchell". The script is cursive and fluid, with the first letters of the first and last names being capitalized and prominent.

Sarah Mitchell

808 Unity Road

From: [Oosterhof, Gary](#)
To: [Thompson, James](#)
Subject: Fwd: Battersea Road Development
Date: June 6, 2019 5:55:19 PM

Date: June 6, 2019 at 5:27:54 PM EDT
To: Gary Oosterhof <goosterhof@cityofkingston.ca>
Subject: Battersea Road Development

Battersea Road Development
2285 Battersea Rd. Application # D35-003-2019
Planning Public Meeting
June 6 2019

My perspective.

Thank you for the opportunity to speak here tonight.

This has been a long and challenging time to get to this point in the process .

It is important for me to say that from the beginning when this proposal in its varied forms was first brought to my attention and request for input I have had an open mind. I do want it understood that I still do. The many economic possibilities of this development are intriguing and the potential is obvious.

I am a supporter of economic development and for my Countryside district it was and is one of my platform focus's and remains to this day.

This particular development is challenging. It is large and creates abrupt change and impact of land and water as well as culture and environment so it feels invasive.

It is my recommendation to implement a phased in approach so that the impacts to the lands , neighbours and environment can be assessed along the way. Granting complete blanket change exposes the community to too much risk.

Tonight we will hear many many valid concerns and challenges to the proposed development.

We will also hear supportive positions to this development and possible solutions to issues and obstacles.

I understand that benefits of growing our rural economy. Jobs for our youth and taxation benefits are all good and highly valued and necessary.

They all matter and all deserve more than a passing glance and brief consideration. It is my desire and intention to work towards consensus and a positive outcome for everyone. We all deserve respect and understanding and that

is my focus as well.

For this development to move forward changes are required in the Official Plan, and Zoning Bylaw Amendments. I understand that we cannot change Provincial Policy.

I also understand that the recently passed provincial Bill 108 Action Plan will be used to give this development a faster approval process. I am asking on behalf of my constituents that that not happen.

This is not a 'not in my back yard objection' task force here tonight.

The Glenburnie Residents Association consists of a caring and understanding and welcoming community that is doing an important and valued work. They deserve to be heard and understood. As well all do.

This development is a big ask of our local rural community and I have to point out again that a phased in approach with conditions or milestones along the way is not unusual or unfair but a reasonable approach for this situation.

Would a bonding be possible? A significant fund that is set aside for a length of time that is there for all neighbours water wells should they be compromised over the next 5 years?

Along with all the many cares and concerns of the community surrounding it this development creates significant 'potential' stress on key areas of our lives which are clearly protected in the current OP.

It is difficult to rank these in order of importance because they all carry significant weight.

For me at this time I submit to Planning Committee that 4 categories are of significant nature that should give sober second thoughts for this development as presented before we can move forward at this location.

Our Water

Our Traffic

Our rights as taxpayers to enjoy our properties peacefully.

Our Environment .

In my opinion these areas are so significant and worthy of considerable attention. Lets remember that we just proclaimed a 'climate change emergency' in this City and it includes this rural area.

In my opinion this development cannot be supported unless the City and its Utilities and Planning also agree to implement a fast track study and


implementation of municipal water at least and water treatment if spas and hotel type development is to be realistically considered.

Science and technology cannot by use of studies and reporting develop a formula to mitigate all risks and concerns at this particular location.

This development In a significantly smaller serving size would not be as concerning in these critical areas . In this present grand scale proposal it looms larger and presents a clear and present challenge to the lives of many people.

So tonight is about not just asking tough questions but also about getting the answers that are true and relevant to all leading to a reasonable and responsible outcome for everyone concerned.

Thank you.

Gary Oosterhof
Countryside Councilor
City of Kingston


Sent from my iPhone

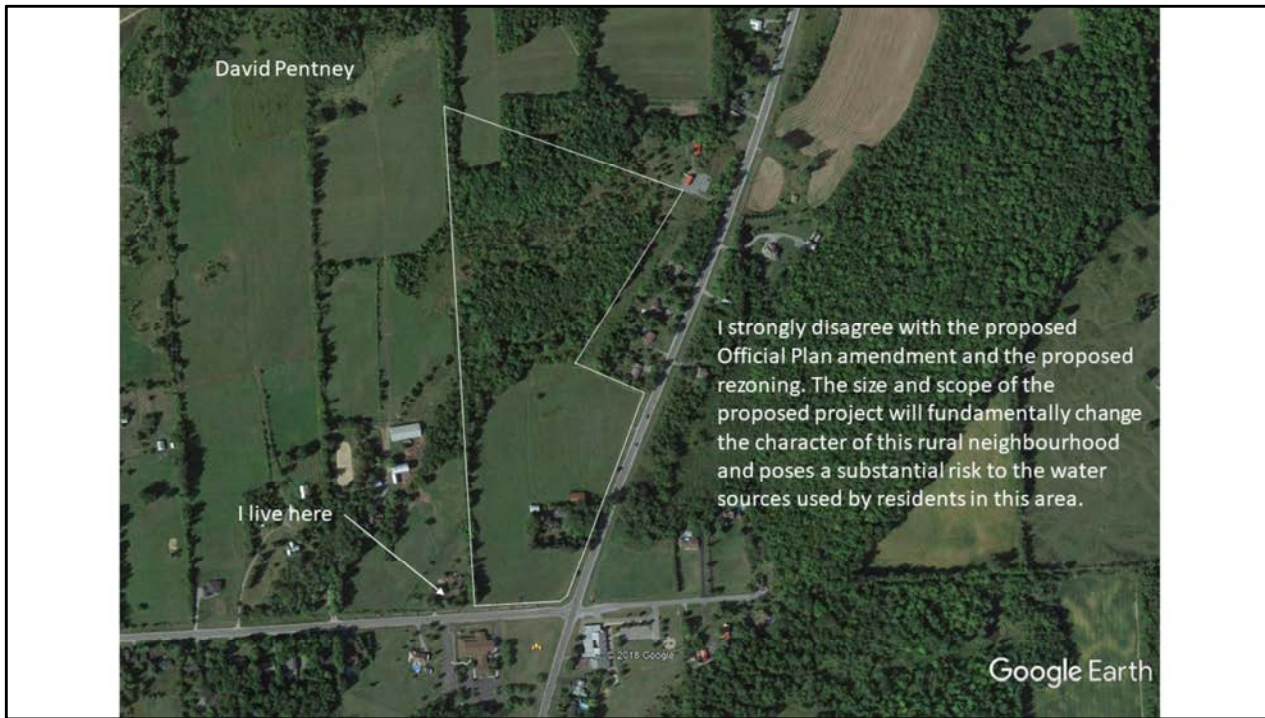
To whom it may concern

I have no problems with the beauty of the landscaping at the spa - it looks great (what they have done and the building they have moved so far.)

I certainly have a couple of main problems. First and foremost the water supplies at all the situated & established homes. - how long will we have our water supply - and will it be diminished by the spa large need of water. There is no guarantee to any of us - but we are still concerned.

Secondly we are a farming community. There are rumors they will be "farming" grapes - you need a lot more grapes & the land to use to grow them to make your own wine. A small garden is not enough to consider it a farm.

Traffic & noise pollution are also a potential problem. Sincerely Pat Loyst

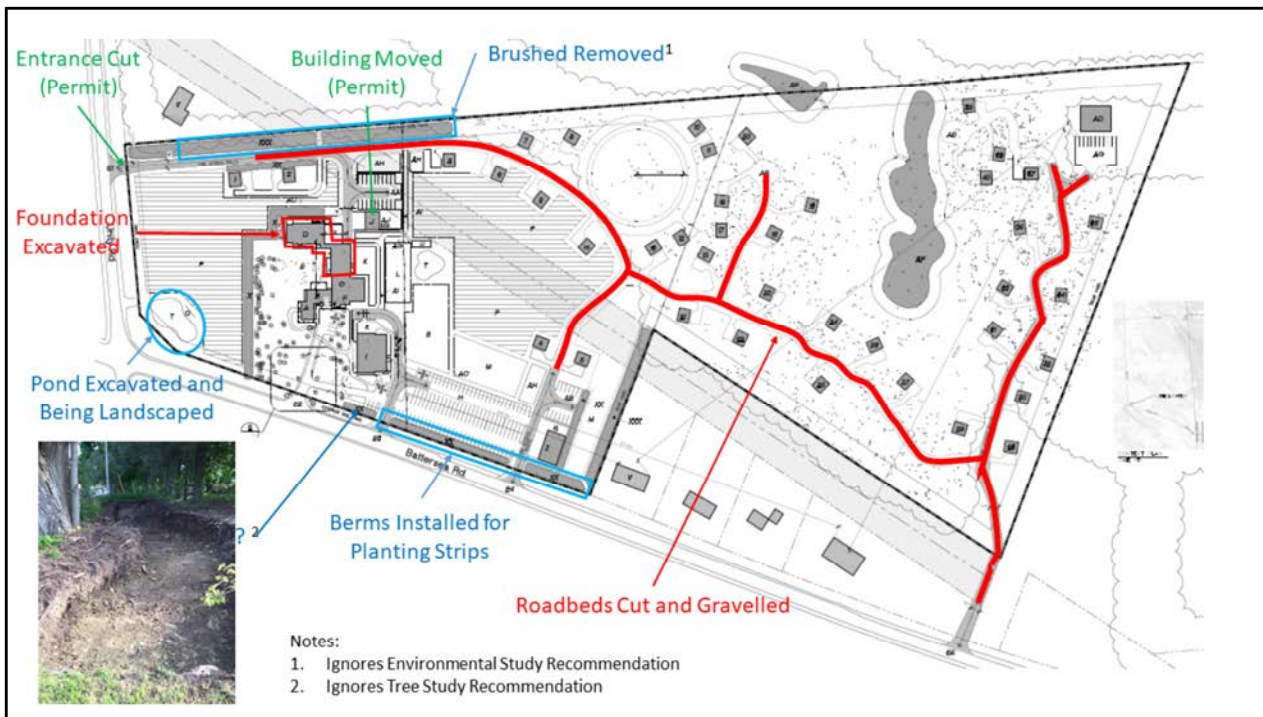


Chairman, Members of the Planning Committee.
This is who I am, where I live and why I disagree
with this proposal.



Slide shows registered ownership of the three properties.

Is this even a valid application if numbered ONTARIO company not clearly identified as a co-applicant?



We all understand that BPE is **no further ahead with approval for this project than it was over a year ago**, but the work that has been done, and continues to be done, supports the **illusion it wants to portray to its investors, supporters and the general public that this project has already been approved.**

This slide shows the full extent of the work that I can see from my property, the road or adjacent properties. It is very clear that all the work completed to date and that which is ongoing is directly related to the proposed development.

Obviously this work has caused major concern for local residents. I know that that I continually hounded the City Planning and Engineering Departments over potential by-law violations, **thus wasting valuable staff time and tax dollars on a project that an application had not yet even been submitted.** There were also numerous noise by-law violations that required tax payer dollars to respond to.

It was and remains my view that **BPE deliberately exploited current zoning to progress the preparation for this project, by fabricating that the ongoing work is related to “an addition to a single-detached dwelling” or part of “normal farm practice”.**



June 2014



17 Dec 2018

Work has been ongoing at this site for over a year and has fundamentally transformed the site as illustrated in this and the following two slides.



June 2014



17 Dec 2018

Last summer, fall and right through the Christmas/New Years period the noise from well drilling and rock breaking precluding my family from enjoying our property.



July 2018



17 Dec 2018

The noise, vibration and dust from these activities forced us inside and having to close our windows.

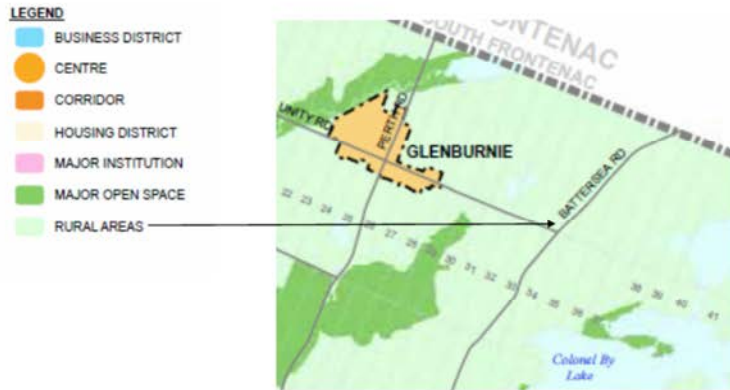


I doubt that many farmers would agree that this is normal farm practice

Surrounding Area and Site Context

I do not believe that this section of the Planning Rationale Report adequately addresses the site context. The following slides are from the Official Plan to provide some of that context.

Schedule 2 – City Structure



The site is in a rural area

Schedule 3B – Land Use



On rural land

Schedule 11A – Constraint Mapping

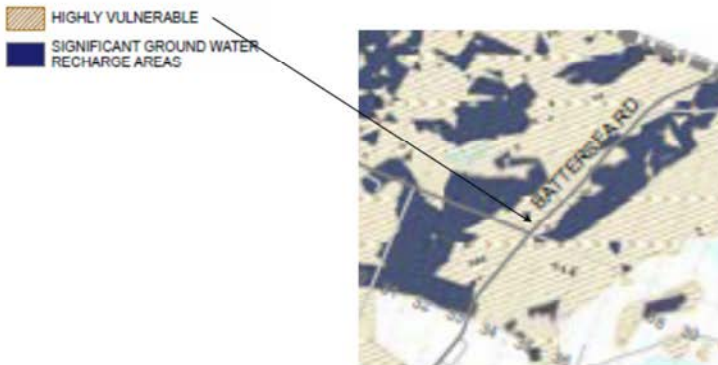
GROUND WATER SENSITIVITY

- MODERATE TO VERY HIGH SENSITIVITY
- LOWER SENSITIVITY



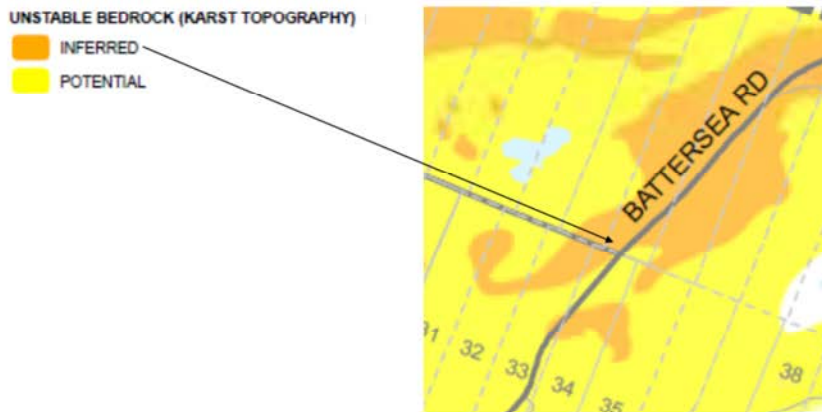
With moderate to very high
groundwater sensitivity

Schedule 11B – Source Water Protection

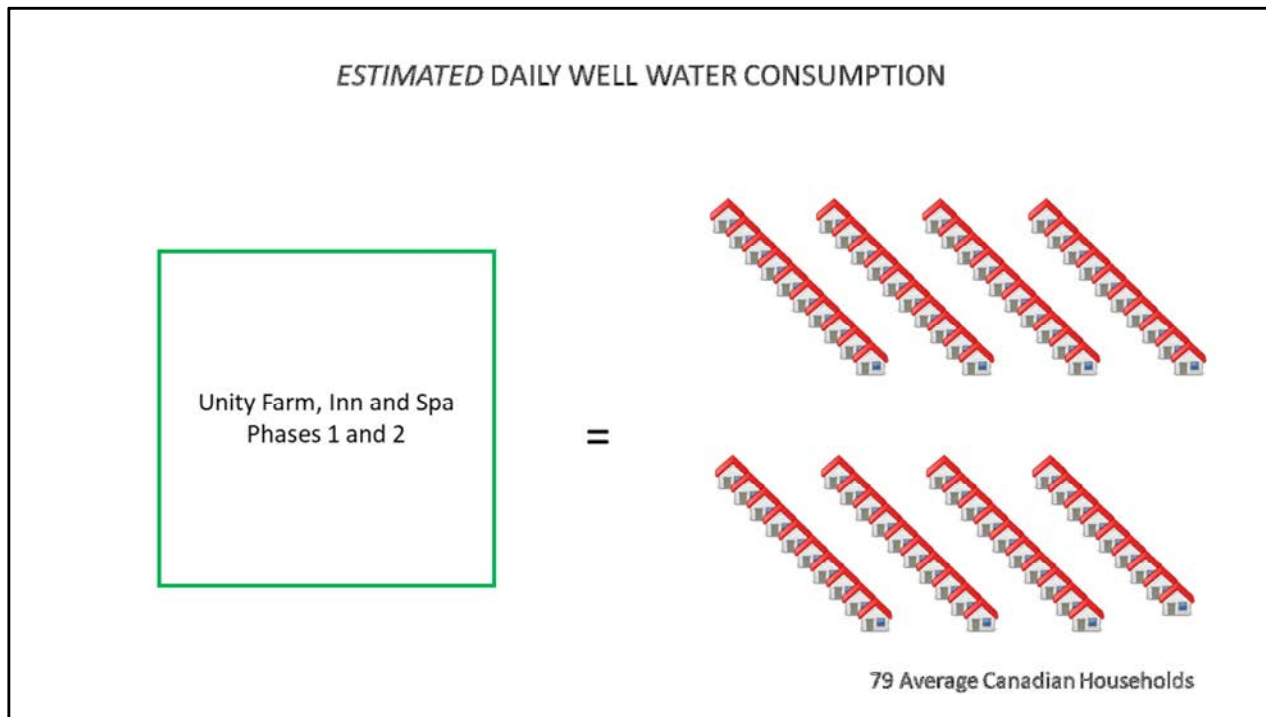


Is highly vulnerable from a source water perspective

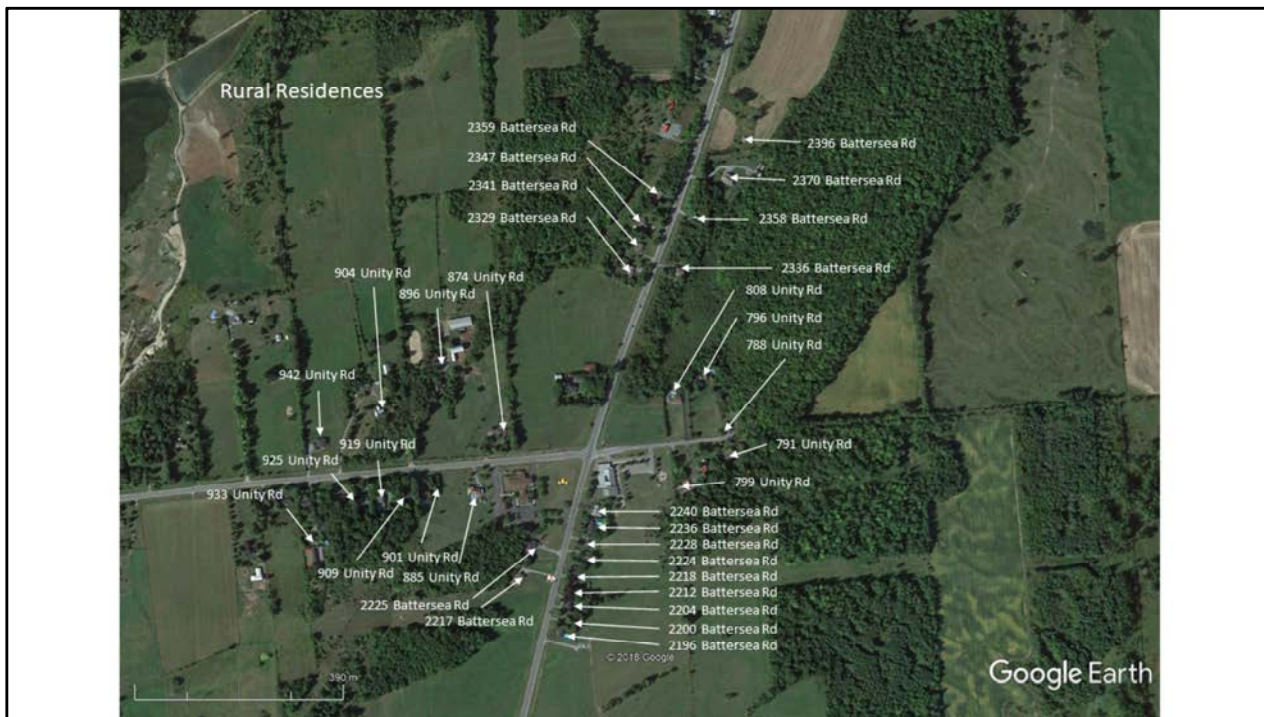
Annex B – Unstable Bedrock



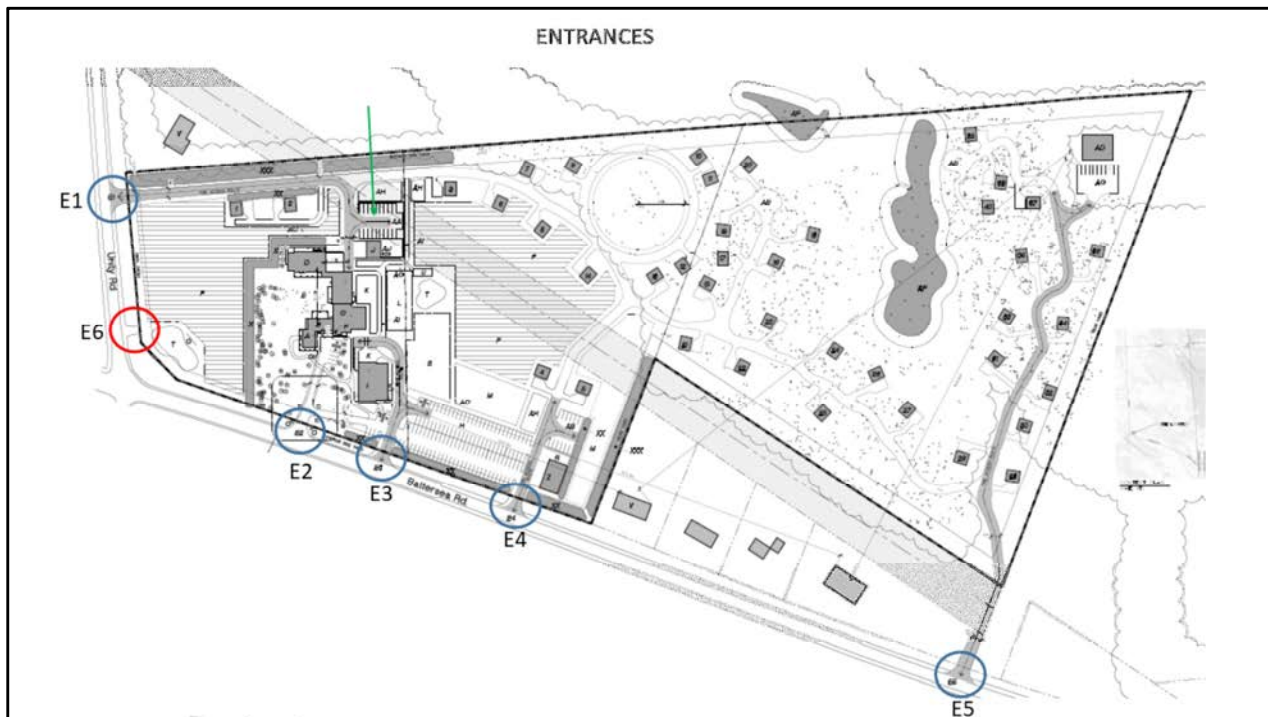
And located in an area of unstable bedrock meaning there is no clearly defined barrier between the limestone, sandstone and granite bedrock layers.



The conservatively estimated daily well water demand in an area identified as having moderate to very high groundwater sensitivity and that is highly vulnerable from a source water perspective is, in my view, a major and unwarranted risk.



The site is surrounded by rural residences, all of which risk having their well water affected, and their rural neighbourhood adversely impacted by this proposed development.



The Conceptual Plan envisages five entrances. One seemingly not considered is labelled as E6 here and is currently being used for landscaping access. Note that the entrance permit for **E1 was issued for a driveway for a single family dwelling**. Now that it is clear this is not its intended use, in my view, **this entrance should be closed**. E5 assumes a right of way across private property with a justification for use of that right of way to access the formerly land-locked lot to the north. That parcel is no longer land-locked. It has been joined to the southern property by an internal road. **The right of way does not legally exist. In my view, there is sufficient access to the**

proposed project from E2, E3 and E4.

Development Proposal

- **Inn**
 - Three new interconnected building connected to a fundamentally changed existing heritage building
 - Three story structure will dwarf the existing building. Too high for the area and will dominate the landscape
- **Spa.**
 - The proposed two-storey structure will overlook properties to the west
- **Restaurant**
 - One kitchen three venues. Rooftop patio should will overlook neighbours.
- **Event Venue**
 - Wedding venue by another name
- **Cabins**
 - Multiple risk to adjacent properties.
- **Garden, Vineyards and Craft Winery/Brewery**
 - Not commercially viable stand-alone entities. More landscaping than agriculture to provide amenity activities for guests

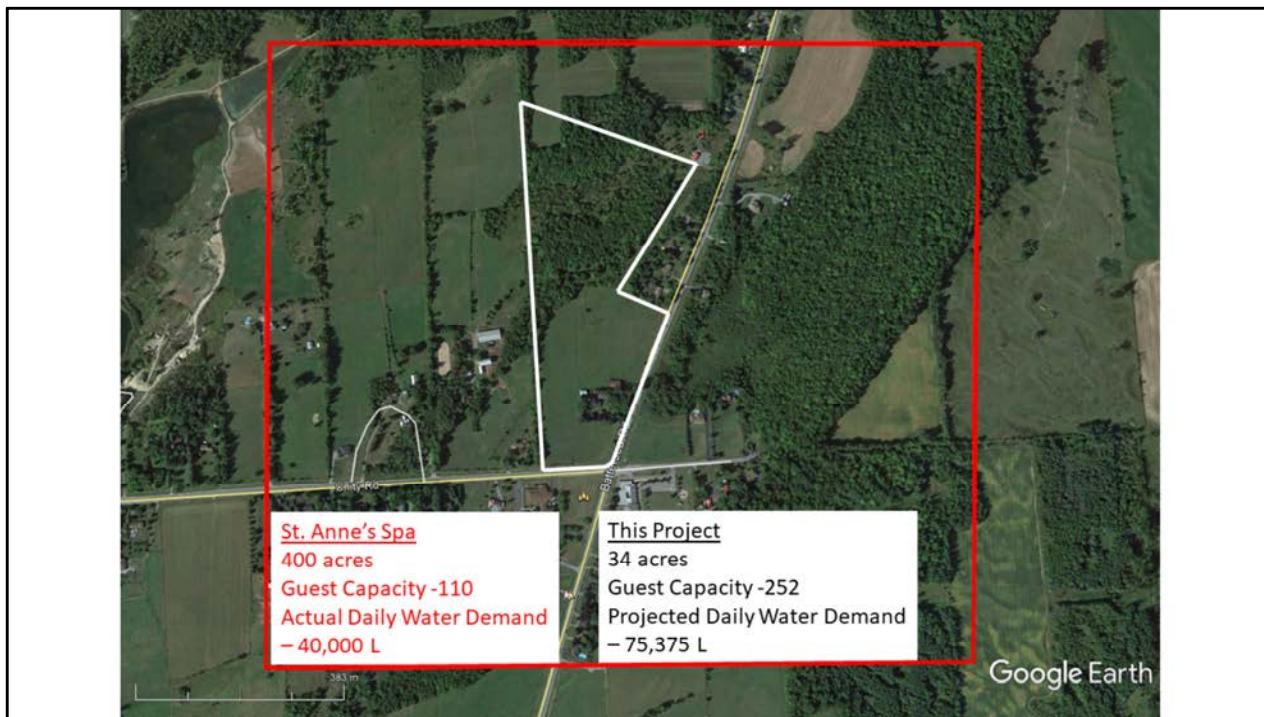
Inn. Describing the Inn portion of the proposed development as an “**addition onto the limestone farmhouse**” is not only disingenuous, it is fundamentally wrong. The proposed structures will dwarf the current heritage building and are considered too high to be appropriate for the area. The three story portion will dominate the landscape and the proposed two-story “west” building will overlook both properties to the west.

Restaurant. The rooftop patio, even on a two-story building, will provide an **unwarranted overlook of neighbouring properties.**

Event Venue. Although labelled a “corporate” event venue and assurances from BPE that a “**wedding**” venue has been eliminated from its proposal, this is clearly its intended purpose. The link between this proposed development and the BPE owned Lovebirds Bridal shop is another clear indicator of the overall purpose of the entire proposal.

Cabins. The cabins represent a clear risk to adjacent properties of human generated noise, fire, trespass, theft and vandalism.

Gardens etc. The agricultural aspects of this proposed development might better be described as landscaping for the Inn and Spa with the associated craft brewery/winery and maple syrup production being on-site attractions for guests and the visiting public. It is unlikely that what is being proposed will be capable of producing commercial quantities; hence, it is better that this “agricultural” activity be described as an accessory aspect of the Inn and Spa.



Some on social media have recently compared this project to St. Anne's Spa. There is no comparison. St Anne's has less than half the guest capacity of the proposal, is on a 400 acre property and has a spring on site that is also used to commercially produce bottled water.

I strongly disagree with the proposed Official Plan amendment and the proposed rezoning. The size and scope of the proposed project will fundamentally change the character of this rural neighbourhood and poses a substantial risk to the water sources used by residents in this area.



BPE Development



Local Residents

That concludes my presentation

Proposed Unity Inn and Spa

Concerns about Recent Reviews by Kingston Technical Committee, CRCA
and Malroz Engineering Corp.

By Nick Farkas, June 14, 2020

Key points from Kingston Planning Technical Review, CRCA and Malroz Reviews of BPE Proposed Development

- Technical Review (James Bar)—May 22, 2020:
 - Loudspeakers on patio and outdoor patio in general will be subject to By-Law 2004-52, and this site is located in a residential area
 - Request to provide rational behind the capacity of the event center of 100 people, when the floor area of building suggests it can hold much more
- CRCA—June 3, 2020:
 - No objection to proposed stormwater and quality control
 - No comment on issue of potential water drainage from upper unconfined limestone bedrock aquifer (which most people in area rely on for water) and the lower underlying sandstone and granite bedrock that the Unity Inn Farm and Spa will draw on

Key points from Technical Review, CRCA and Malroz Reviews of BPE Development (cont'd)

- Malroz Engineering Corp (May 8, 2020):
 - Trucking of water to site will be undertaken to supply water for certain aspects of proposed development
 - Water takings proposed to be phased in at 15,000 liters/day into storage tanks of 50,000 liter capacity
 - Peak daily water usage from all three phases appear to total 61,000 l/day
 - Unclear where and how greywater will be used to mitigate water takings
 - The peak daily flow contemplated in the consultant report may not be possible until full buildout of the proposed uses in the Theoretical Flow Calculation table. Recommend a monitoring program on a daily basis
 - Even without water recycling, the peak water usage for all contemplated phases of development is below 50,000 l/day, so would not require a permit to take water.
 - Unclear if additional water demand, excluding grey-water re-use, is anticipated to be in excess of 50,000 l/day. A daily water taking monitoring program should be done.
 - Monitoring program will continue until two years after the final phase of development.

Concerns—Water Extraction

- The most critical element is the daily water-taking monitoring program:
 - Daily water takings by well (groundwater extraction)
 - Metering of wastewater treatment
 - Grey water usage
- It is critical that this monitoring be collected and analyzed by an **independent authority** to ensure that the data is accurate and that any deviations from “theoretical” are quickly evaluated and acted upon. This monitoring is supposed to occur for two years after the last phase of development is completed.
- If not monitored properly, there is a real danger that excess water can be sucked from the upper unconfined limestone bedrock aquifer—which most nearby residents rely on for their water supply—into the lower underlying sandstone granite bedrock aquifer that the proposed Spa will draw upon, leading to either reduced or dry surrounding wells.
- It is clear that a water take of over 50,000 liters/day will trigger a requirement to obtain a Permit to Take Water (PTTW) from the MECP. The proposed Unity Farm, Inn and Spa will do everything possible to ensure that their water extraction does not show to exceed this amount. Systems will have to be put in place to ensure an accurate and robust monitoring program.

Concerns—Water Extraction (cont'd)

- The ASC Consultant report (on behalf of BPE) still insists that total water take will be less than 50,000 liters/day (even without water recycling).
- Note that Ste. Anne's Spa in Grafton, Ontario—which also has a hotel, spa, coffee shop/café, gardens and restaurant—used 40,000 liters/day net for a total of 110 guests and 20-30 staff (total of 130-140 people)
- The proposed Unity Farm Inn and Spa is saying they will use less than 50,000 liters/day for about double the number of people as at Ste. Anne's. This does not make sense. There is a disconnect between the Unity Farm Inn and Spa "theoretical calculations" and the actual data from a similar business entity. An analysis of Ste. Anne's Spa should be part of any review by the Kingston Technical committee. This lends even greater importance to having independent daily monitoring of water extraction at the proposed Unity Farm, Inn and Spa development.
- And the proposed Unity Inn, Farm and Spa will additionally include a vineyard, craft winery and craft brewery that are all high water-users.

Other Concerns

- Residents of Glenburnie are not being kept in the loop by Kingston City staff. Planning committee should hold a review of their recommendations (on-line if necessary) for all interested residents of Glenburnie
- The CRCA apparently did not discuss the concerns about the effect of water take on groundwater levels. Is that not part of their responsibility?
- How will noise be monitored and assessed against by-law 2004-52? It is hard to get police to come to Unity Road to address concerns about speeders, so will they come out here to assess noise issues?
- The total number of people using the site at any one time needs to be monitored—especially the Event Center to ensure they are within what was promised.
- No mention has been made of concerns about drunk drivers exiting the proposed site and endangering the nearby school or people walking/cycling on Unity and Battersea roads.
- Will the City of Kingston be liable for residents' wells if they run dry? Will they be liable if someone gets killed by a drunk driver exiting the Unity Farm, Inn and Spa? I don't think we can rely on the developer/site owner to pay restitution.

①

To: Planning Committee

From: Frank Dixon

Ref: D35-003-2019 — BPE's

Countryside District project
proposal, including SPA,
winery, brewery, event space
e) speaking as a retired Geophysicist:

1) I offer CAUTIOUS support,
in principle. This is a NEW
CONCEPT for the region.

IF this could be successfully
realized, with

NO DETRIMENTAL impacts, it
would be of enormous benefit.

2) HOWEVER, I note that
there has been ABSOLUTELY
NO ^{SPECIFIC} HYDROGEOLOGICAL INFORMATION →

② INCLUDED IN THIS AGENDA PACKAGE. WHY NOT? WE NEED TO HAVE THIS.

3) What are the professional qualifications of the peer reviewer, well-versed, on the hydrogeological elements?

4) Do we have any comparable facilities in Ontario, or similar geological landscapes? If so, could technical data from these be supplied to the Committee, City staff, and the public, by the proponent? Specifically, concerning water aspects?

(3)

9) I note that All area residents and businesses operate on well water.

a) Does the City of Kingman currently have, on staff, sufficient qualified professional expertise, to be able to accurately calculate, and project, the water use requirements for this project, and how these new demands would be impacting those people who currently live and operate businesses in the district?

b) And, to assess the accuracy

of any consultants' reports
on these matters? This ~~also~~
gives in the Geotechnical specialty.
c) Could EXTERNAL WATER
SUPPLIES be potentially be
used for the winery and
brewery?

i) I note that several residents' letters
have identified changes to water
in the ~~the~~ ^{the} ~~capacities~~ ^{aspects} ~~packaging~~ ^{has begun on}
the project.
This concerns
us!
Frank Dixon
Geophysicist (retired)

e) I advocate DEFERRAL of
this application, pending the
public access to ^{thoroughly} specific and
detailed hydrogeological data ^{professionally} ^{evaluated}

February 28, 2020

James Bar
Senior Planner
City of Kingston
1211 John Counter Boulevard
Kingston, Ontario

Re: Official Plan and Zoning By-law amendment applications
2285 Battersea Rd, Kingston
Unity Farm, Inn&Spa

Dear Sir:

On February 20th at the planning committee meeting, I listened attentively for twenty-five minutes or more as the BPE's consultant explained the details and activities requiring well water services at this address.

1) As I previously reported I firmly believe the developer's ambitious plans when fully implemented will likely reach or surpass the water 50,000 l per day mark, especially, if some days when 400-600 people work, visit or reside at the site.

2) Given the location of the proposed spa building in the NW corner of the property which is over 500 meters away from the nearest deep well, it is reasonable BPE will need to drill another well. If this occurs, a new water study should be implemented.

3) The vast majority of nearby residents (47) plus the elementary school and Mormon Church are concerned that well water could be adversely affected. There is reasonable probability that BPE water needs will negatively impact local owners.

4) It is my strong position that in the near future should our water be adversely affected, a class action law claim will be taken against the developer and the City of Kingston for approving this very ambitious project. It is strongly recommended that the developer obtain and verify he has significant liability insurance to offset future water loss and quality for nearby residents.

5) It is difficult to understand how the city could approve this proposal and ignore the strong objections and concerns of nearby residents.
The water issue is a true concern of rural residents.

7) The location of this project should not be approved in a rural area where water resources could be affected.

Yours truly


George Caron

796 Unity Rd, Glenburnie, Ontario
K0H1S0

cc: Mayor and 12 city councilors

Dear Mr. Barr,

Please find enclosed a
letter concerning the development
at 2285 Battersea Road.

Thank you
Lorna L Hendey

RECEIVED

FEB 1 2000

PLANNING DIVISION
CITY OF KINGSTON

RECEIVED

FEB 24 2020

PLANNING DIVISION
CITY OF KINGSTON

James Barr Senior Planner
The Corporation of the City of Kingston
Planning Services

I am writing this letter in regards to the development at 2285 Battersea Road. The water issue has remained a primary concern for the immediate residents in the area. Mr. Pilon. at the first public meeting stated that he would not be providing a fund to help any one whose wells are affected by this project. The City of Kingston officials have made it known that water services will not be coming out Battersea Road so this issue remains a priority.

However other issues remain as concerns :-an unfenced pond opposite an elementary school {last week after the snowfall two sets of small foot tracks led to this site!} Traffic patterns on Unity and Battersea Road and driveways leading from this site onto both road ways .The very large size of this project and it's affect on the closest neighbours has been profound. This is a rural neighbourhood of family houses and working farms. The folks closest have already been subjected to increased construction noise levels ,increased traffic and new exits very close to existing homes, with others proposed.

While I am not affected directly by this proposed huge commercial development, of spa, hotel rooms. restaurant stores and 40 cabins and more, I do understand the concerns of those closest to the development. My husband and I have always said that Glenburnie was the best kept secret in the city. When people moved here they had an expectation of a special way of life, which includes an appreciation of the wooded areas, fields, and a sense of care and protection of the natural environment by all who lived here. We do not have city water or city sewage systems and depend on care and proper management that each household manages for themselves. Neighbours would never knowing put a neighbours water or sewage system in jeopardy. Our households depend on them.

This development is huge and exciting but in the wrong place. I urge the planning committee to deny the change of zoning for this development to continue.

Sincerely

Lorna Hendry {2055 Perth Rd. R,R, #1Glenburnie KOHISO }

David Pentney
874 Unity Rd
Glenburnie, ON K0H 1S0

27 May 2020

Mr. James Bar
Senior Planner
City of Kingston Planning, Building and Licensing
1211 John Counter Boulevard, Kingston

Via email: jbar@cityofkingston.ca

Official Plan Amendment and Zoning By-law Amendment, D35-003-2019 2285 Battersea Road, Kingston – Unity Farm, Inn & Spa

Dear Mr. Bar,

I am writing in response to the Response Memo 2285 Battersea Rd, submitted by FOTENN Planning and Design, dated April 24, 2020. The main thrust of this memo is to argue that the proposed “addition” containing the “proposed cidery, winery, brewery and associated tied house, bed and breakfast, café, retail store, and farm to-table restaurant uses are characterized by a lower density of human activity and are therefore, less sensitive uses”; hence should be considered Type A land use.

If one does the numbers, at full capacity, the tied house (pub) will seat 40; the restaurant will seat 40; the occupancy of the bed and breakfast will be 14; and the small store and café will accommodate an estimated 15 to 20. This gives a potential occupancy of 109 to 114, not including staff. This is not considered “low density”. Interestingly, the Response Memo uses Eigensinn Farm in the Township of Grey Highlands, South Pond Farms in the City of Kawartha Lakes, or Saunders Farm in the City of Ottawa for comparison, but these examples are significantly different, in terms of geography and activity, than what is being proposed for Unity Farm, Inn and Spa and no mention is made of the zoning where these areas are located.

The Response Memo and the Addendum to the Planning Rationale Report dated January 28, 2020 describe the bed and breakfast as a distinct element. The relationship between the bed and breakfast and the inn and spa is not specified; however, it is likely that the bed and breakfast will be operated as an annex or extension to the inn and spa; hence it should not be considered as a discrete element.

In the Addendum to the Planning Rationale Report, the proposed cidery, winery, brewery is described as an agricultural related use, specifically farm-related commercial and farm-related industrial use. These are two separate categories. Is the cidery, winery, brewery a commercial or industrial use?

Article 2.2.1 of the Guidelines on Permitted Uses in Ontario’s Prime Agricultural Area says in part, “For example, a winery primarily using grapes grown in the area could be an *agriculture-related use*. A winery making wine from grapes or concentrate shipped in from another region of Ontario, another province or another country, would not be. A winery that brings in grapes or concentrate from another area, may, however, be an *on-farm diversified use* if all the criteria for that category of uses are met. Uses that are not directly related to farm operations in the area, because they use agricultural products from outside the area, may be *on-farm diversified uses* if all the criteria for those uses are met.” Although the Addendum to the Planning Rationale Report

indicates that the materials used will be sourced locally, that is unlikely for wine given the limited viticulture in the local area. Similarly, the ingredients for beer making may also have to be imported. The Response Memo states, "The proposed cidery, winery, brewery and associated tied house will also have a limited seating capacity and will be used to produce goods that will be used on the subject site." This would seem to indicate an on-farm diversified use rather than an agricultural related use.

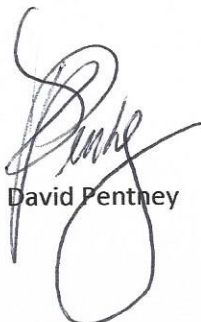
That is an important distinction. Article 2.3.1 of the Guidelines on Permitted Uses in Ontario's Prime Agricultural Area clearly indicates that on-farm diversified uses must be secondary to the principle agricultural use of the property, measured in both spatial and temporal terms. The Addendum to the Planning Rationale Report addresses the spatial issues in terms of 2.3 hectares of tillable land. It is not clear if that number was calculated before or after the excavation and construction of the foundation and basement level for the "addition to a single family dwelling" (Building Permit PRBD20182567). With respect to this application, that construction cannot be considered as pre-existing

Section 2.3.1.3 of the Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas recommends that on-farm diversified uses have a building area limited to as a function of lot coverage, and should not occupy more than 2.0% of a property. The Addendum to the Planning Rationale Report asserts that, "The required gross floor area of buildings used for on-farm diversified uses occupy 62.3% of the 2.0% lot area." This is questionable. Two percent of 6.91 hectares is 1,382 square metres. Building Permit PRBD20182567 identified the gross floor space of the "addition" as 2,369 square metres. Understanding that this is a multilevel building, the area covered by the "addition" is estimated to be at least 1,000 square metres; and the former house and garage is estimated at 180 square metres. When the proposed relocated/reconstructed barn at the parking is factored in the area for the proposed on-farm diversified uses will clearly exceed 2% of the total area.

Then there is the temporal aspect. While the "farm" is intended to contribute to the on-farm diversified uses by producing some seasonal crops, farm income will be secondary to the income derived from the proposed on-farm diversified uses.

The proposal that has been made by BPE for Unity Farm, Inn and Spa is, in my view, one that is anchored on the proposed event venue, although BPE goes to great effort to minimize discussion of it. Indeed, the Response Memo asserts that "The event venue will have a maximum occupancy of approximately 100 people..." despite the fact that the plan associated with the Addendum to the Planning Rationale Report show seating for 138 on the main level with space for 80-100 more on the second level.

The BPE proposal is one package. BPE has not submitted a proposal for on-farm diversified uses on the southern two sections of property as the arguments in the Response Memo would lead one to believe. BPE is seeking an Official Plan amendment to change the current designation of all three lots to Rural Commercial and a zoning amendment for special commercial zone. Attempting to portray the "farm" or agriculture as a distinct element and the main pillar of this proposal is disingenuous. The "farm" and proposed on-farm diversified uses merely provide an agricultural setting for the commercial event venue and the Inn and Spa.



David Pentney

Bar,James

From: Oosterhof,Gary
Sent: Sunday, June 28, 2020 10:17 PM
To: David Pentney
Cc: Bar,James; Thompson,James; Neill,Jim; Hutchison,Rob; Hill,Wayne; Kiley,Robert; Osanic,Lisa
Subject: Re: Notice of Regular Meeting - 2285 Battersea Road

Follow Up Flag: Follow up
Flag Status: Flagged

Hello David and everyone included.

Thank you James for taking the time to answer these important questions.

It seems to me that there remains a lot of unanswered questions about this development .

I also have numerous concerns about this development and am baffled that Planning would be supportive of this large proposal on such a small property.

My concerns at the moment are in concert with Mr. Pentney yet may differ somewhat.

- 1) What is the anticipated max occupancy of this entire project?
- 2) What will the Bylaw have built into it to protect the rural community and their peace and quiet?
- 3) Will this project be phased in (if approved) and will it have a Hold on it? If not why not?
- 4) Are wedding venues included as an acceptable event at this location? Will an additional permit be required?

Note: Recently a rural neighbor had an outdoor party with a band. The music was heard clearly for over a 1000meters. This is perhaps tolerable once a summer. Will this development be allowed such an event every weekend?

- 5) What is the waste water management strategy for this development?
- 6) The hydrological peer review states that it does not verify that the facts and or possible omissions in the original review . They only look for generally accepted practices!! How can this be acceptable to Planning? Clearly the rural community deserves better oversight and higher level review! Where else can we come to understand and properly manage the frightening risk of over drawing water from the fragile water table.
- 7) How can this development be supported when planned and presented water usage data appears to be under estimated?

I am hopeful that my colleagues will recognize that the risks from this large scale development far outweigh the benefits in its current proposal.

This project is much too large for this location and is very likely IMO to exhaust the land and the surrounding community. Why allow so much? The description of allowable land usage reads like a never-ending, always evolving, mega project.

I understand and am supportive of regional rural economic development. I am supportive of agribusiness and tourism and its benefits. All at a manageable scale and impact on surrounding lands and people. That is what the existing OP speaks to.

However I have a hard time seeing that this project will accomplish these goals and be respectful of the existing community. To be clears spas and cabins in the bush with a possible party venue facility is simply NOT compatible with the intentions and spirit of the presented Official Plan considerations for the rural area.

What 'controls' will be in place and be effective and followed should this proposal be supported by Committee?

I am hopeful that Planning Committee will recognize the inherent weakness and thus the negative impacts in this proposal and not be supportive of its recommendation in its present form from Planning .

Finally, I echo Mr. Pentney's point of City Councils unanimous resolution of September 17, 2019.

IMO this development should also not be supported until we fully understand the long term impact of climate change on our rural residents who do not have access to municipal water sources.

Thanks for your answers.

Regards,
Gary Oosterhof
Countryside Councillor
City of Kingston

On Jun 28, 2020, at 4:39 PM, David Pentney [REDACTED] wrote:

Mr. Bar,

Thank you for the notice. It is unfortunate that a project of this importance to the local community will have to be heard through a virtual meeting. I am not confident that all voices will be heard through this medium.

I have reviewed your Technical Review Comments #2 and the FOTENN response to it. I have a number of questions:

Has the Concept Plan been revised during the technical review? If so, when will it be posted to DASH?

Please advise which entrances will be used and for what purpose?

Will the operator of the B&B have a residence as part of the structure, or is the B&B, not a B&B, but an annex to the inn?

Please confirm the Seating Capacity of the "Tied" House?

Please confirm the seating capacity of the restaurant?

Please confirm which parts of the proposal are on-farm diversified uses and which are agricultural related uses?

Is the City planning to recommend the reduction of the MDS to accommodate the event building?

What is the capacity of the event venue? The FOTENN response that, "The proposed floor area limit applies to the entirety of the Assembly Hall use, and would include facilities such as washrooms, meeting rooms, food preparation areas, storage, etc. Mechanisms such as the parking ratio and servicing capacity will further limit the capacity of the space." does not answer the question.

Will there be any provision prohibiting an application to have the property designated as an "other area" under the City's Noise By-Law at some future point?

What measures will be put in place to buffer the development from immediately adjacent properties to protect their privacy?

The Peer Review of the Hydro-G Study states, "As part of the operations phase of the development the consultant has identified that metering of groundwater extraction, wastewater treatment and treated water will be completed." What agency will be responsible for reviewing this data?

The Peer Review of the Hydro-G Study states, "ASC note that the reverse osmosis treatment was proposed for aesthetic parameters. Concentrations of sodium and chloride were observed to decrease during the 48 hour pumping test, therefore ASC report that reverse osmosis water treatment **may not** be required. What means water treatment will be used? If reverse osmosis **is** required, this will require a three-fold increase in the volume of water required. Is this sustainable?

Given the unanimous City Council Resolution of September 17, 2019:

"That the Cataraqui Region Conservation Authority and KFL&A Public Health be requested to assess the impact of Council's decision to declare a Climate Emergency on private wells through the lens of the Cataraqui Source Protection Plan and pending changes to the Provincial Policy Statement and work with the City to report back in Q1, 2020 and in doing so acknowledge the concerns of our rural communities; and

That based on findings and or new research required that Cataraqui Region Conservation Authority and KFL&A Public Health and city staff investigate long-term strategies to mitigate the impact of climate change on our most vulnerable rural residents who do not have access to municipal water sources and jointly report back to council in Q3 2020. Carried (13:0) (See Recorded Vote)"

Please confirm if this work been completed or taken into consideration? If not, is the developer or the City prepared to place funds in trust to address any residential or farm well issues that arise within a three kilometre radius from this site for up to ten years after the site becomes operational?

KFL&A Public Health have noted that the scope of this project puts it beyond the Building Code and that it will be will be subject to the Ontario Water Resources Act. Please confirm if this project will be considered Industrial and Commercial Water Use; hence, subject to Ontario Water Regulation 450/07?

I look forward to your response Mr. Bar.

David Pentney
613-328-7663

On Friday, June 26, 2020, 02:17:52 p.m. EDT, Bar,James <jbar@cityofkingston.ca> wrote:

Hello,

You are receiving this email because you have provided written correspondence, signed in at a public meeting, or requested to be notified on the progress for Kingston File D35-003-2019, about 2285 Battersea Road, 2311 Battersea Road, and the landlocked parcel north of 2311 Battersea Road.

Please find the attached notice of regular meeting. The meeting will be held on July 16, 2020, and will be a virtual meeting. Details on how to join the meeting can be found at <https://www.cityofkingston.ca/city-hall/committees-boards/planning-committee>

Thank you,

<image001.png>

James Bar, MPI, MCIP, RPP

Senior Planner

Planning Services

Community Services

City of Kingston

<image002.png> <image003.png> <image004.png>

Located at 1211 John Counter Boulevard,

216 Ontario Street Kingston, ON K7L 2Z3

613-546-4291 ext. 3213

jbar@cityofkingston.ca

<image004.png>

<image003.png>

<image002.png>

<image001.png>