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City of Kingston

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Technical Review Comments

Subject	2285 BATTERSEA RD, KINGSTON	File:	D35-003-2019
Property:	K0H1S0		
Contact:	Mr. Ben Pilon 141 Hickson Ave Kingston ON K7K2N7	Application Type:	OPA, ZBA, DPC, DPS
		Assigned Planner:	James Bar
Business: (if applicable)	BPE Development	Technical Circulation:	2

SENT: UPLOADED TO DASH, and VIA EMAIL

May 22, 2020

Thank you for your submission. We have completed a technical review of the application for Official Plan Amendment and Zoning By-law Amendment. Detailed comments are provided in the table below. Please amend all drawings, reports, and studies, and submit them through DASH for the third technical review.

Upon review of the comments, if you have any questions or would like to meet, please do not hesitate to contact me at 613.546.4291 ext. 3213.

Thank you,

James Bar, MPI, MCIP, RPP
Senior Planner
Planning, Building and Licensing

General Comments, Conditions or Additional Applications / Information Required

Department	Comments
Utilities Kingston	<p>1. This area is outside of Utilities Kingston servicing areas therefore we have no comments on the application. However, it is assumed under Building/Plumbing Code compliance, the brewery will be required to separate out their solid waste products from the brewery process so it does not enter the septic system and in turn be hauled to our treatment facilities.</p>
Transit	<p>2. No concerns. Proponent should be advised that Transit does not currently plan to introduce rural service to Battersea Road in the current five-year planning horizon, but will be undertaking a study of rural service during this time.</p>
Fire	<p>3. Our primary concern will be to ensure that the fire access routes can withstand the weight of fire trucks; are provided with signage and are provided with turn around facilities as specified in the the Ontario Building Code.</p> <p>4. Site signage will also be important to clearly identify which access points are to be used to access various buildings.</p> <p>5. From an emergency response perspective there will need to be a clearly defined civic addressing strategy for this site.</p> <p>6. Our office is available for further consultation and would like to participate with any meetings planned with the applicant.</p>
Licensing and Enforcement	<p>7. Municipal business license required for all businesses according to By-law 2006-213. Permits are required prior to installation for all temporary signs for marketing/information purposes through the Licensing Office. With any changes to current businesses adding services, square footage, number of rooms, etc., a review of current business license is required. Licensing would be required for any activity which falls within the following classifications: Adult Entertainment Establishment, Adult Entertainment Store, Amusement Arcade, Auctioneer, Automobile Servicing/Repair, Billiard Tables , Food Service Premise, Gasoline Stations, Hawker/Peddler, Meat and Fish Sales, Pawnbroker, Pet Store , Salons, Theatre, Tobacco Sales. Further, the rental of the event space if zoned to conduct trade shows or an event (as described below), will require additional specific days licensing through our office in order for those organizing the event to host to the public. Applicable to: Every person, including a hobby group or club, that proposes to carry on business for part of a calendar year in a specific location other than the</p>

	<p>person's regular place of business, if any, for the purpose of:</p> <p>(1) Selling and / or buying goods and services including food;</p> <p>(2) entering into contracts for the sale and/or purchase of goods or services that are to be delivered at a later date; or</p> <p>(3) promoting the sale and / or purchase of goods and services by encouraging individuals to come to the person's regular place of business.</p>
Parks	<p>8. No concerns with the proposed official plan and zoning by-law amendments.</p> <p>9. Landscaping and parkland dedication requirements to be addressed at a future site plan control stage.</p> <p>10. Multi-level landscaping including street trees and shrubs will be required along Battersea Road to address the streetscape.</p> <p>11. A market appraisal by a certified appraiser will be required to determine land valuation.</p>
Forestry	<p>12. 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.</p> <p>13. Landscape plantings will be addressed through the SPC process.</p>
Environment	<p>14. In review of the final response by the peer reviewer (John Pyke, Malroz Engineering dated May 8, 2020) I am satisfied that hydrogeological requirements have been met. No further comments.</p>
Heritage Planning	<p>15. The property is subject to an approved Heritage Conservation Easement Agreement (HEA) with the owner and the City of Kingston, pursuant to section 37 of the Ontario Heritage Act. The HEA outlines the approved conservation works/alterations associated with Hickey House. While it appears the concept plans associated with the new buildings have changed, the works associated with the heritage attributes of the property do not appear to have changed. If this assumption is incorrect, please let us know.</p> <p>16. We have no further comments at this stage.</p> <p>17. We acknowledge receipt of correspondence from the Ministry of Heritage, Sport, Tourism and Culture Industries with respect to their review of the Stage 1-2 Archaeological</p>

	Assessment.
Noise Review	<p>18. Please confirm that there will be no stationary noise sources associated with the proposed store located adjacent to Battersea Road.</p> <p>19. The noise study has included the noise from the loudspeakers on the patio. It should be noted that noise from these speakers and the outdoor patio in general will be subject to By-law 2004-52, A By-law to Regulate Noise and this site is located in what is considered a residential area in the By-Law.</p>
Public Works	20. Public Works Operations has no objections to the applications for Official Plan Amendment and Zoning By-Law Amendment and requests to be circulated for detailed review and comment on future application for Site Plan Control.
Building	<p>21. MECP confirm if separate wells and septic systems are required for each property.</p> <p>22. Please note: Private water supply pipes shall be designed and installed to MOE PIBS 6881e, "Design Guidelines for Drinking Water Systems.</p> <p>23. Please note: Private sewers shall be designed and installed to MOE PIBS 6879, "Design Guidelines for Sewage Works".</p> <p>24. MECP to confirm that proposed cabins will be calculated as a regular hotel room and not a cottage.</p>
KFLAPH	25. The scope of this project will put it beyond the Ontario Building Code and fall under the Ontario Water Resources Act with the MECP. MECP will need to be consulted for the design of the system. Keep us in the loop as we will need to be involved in other aspects (drinking water, recreational water, food safety, etc).
MNRF	26. Thank you for the opportunity to review this. MNRF has no further comments at this time and notes that the EIS has been completed.
CRCA	27. Stormwater reporting is currently under review.
MAAC	<p>28. The applicant is seeking relief for parking space length from required 6.0 metres to 5.2 metres. MAAC does not support the request for relief on the depths of accessible stalls. The concept plan does not indicate any reason why the accessible stalls cannot be lengthened to meet by-laws.</p> <p>29. There is no indication of required signage for the barrier free parking for type A or B.</p> <p>30. Our original comments #2 through #4 are indicated to be</p>

	<p>considered through Site Plan Control and MAAC will address via future review detailed site plans when available.</p> <p>31. Additional question/concern not noted in the original submission is whether there is barrier-free access to exterior amenities areas such as Spa courtyard, outdoor patio, outdoor gardens and seating.</p>
Planning	<p>32. Thank you for providing the updated drawings and considerations for the arrangement of land uses through the new conceptual site plan and updated supporting studies.</p> <p>33. Thank you for providing additional information on the uses proposed for the site. No further comments on the permitted uses.</p> <p>34. Thank you for the additional comments regarding the compatibility of the proposed use with the existing surrounding developments. No further comments on the compatibility of the proposed use.</p> <p>35. Thank you for providing the additional justification for both the Provincial Policy Statement and the City's Official Plan. No further comments on the policy justification.</p> <p>36. Please confirm whether in your opinion that the proposal is consistent with the new Provincial Policy Statement, 2020.</p> <p>37. Please provide rationale behind the capacity of the event centre of 100 people. The floor area of the building suggests that it can hold a greater number of people.</p> <p>38. Planning Addendum, Page 16 RE: I.G. 35 of the MDS Document. Please note that while IG 35 allows agriculture-related and on-farm diversified uses to be treated as Type A land uses, the guideline further notes that there are certain types of uses that should be treated as a Type B land use. IG 35 does not classify all agriculture-related and on-farm diversified uses as Type A land uses.</p> <p>39. Thank you for meeting with City staff on February 20, 2020 to discuss preliminary comments on the Planning Addendum related to the updated MDS justification. A draft MDS response memo was submitted on March 5, 2020 and a finalized version submitted on April 24, 2020. Upon reviewing this memo and our subsequent discussions, we have no further comments on the MDS.</p> <p>40. Please see the attached draft by-law for your review and consideration. Given the site specific nature of the development, including the hydrogeological works, MDS considerations, compatibility considerations, and the proposed agriculture-related uses not defined or regulated by the current zoning, the by-law has been expanded to reflect</p>

	<p>the intended nature of the application while allowing flexibility in its implementation. The by-law reflects the limited nature of certain uses, the intended character of the site, and its fit within the rural area. It further provides a mechanism that recognizes the MDS setbacks and ensures their compliance in the site-specific zone.</p> <p>41. Sections of the draft by-law that have been highlighted require your attention. They are either sections where numbers need to be calculated and inserted, or because they are a special provision that will need to be worked out.</p> <p>42. Please note that due to the size of the site, we are not supportive of the reduction to the accessible parking stall length.</p> <p>43. Please see the attached peer review of the hydrogeological works.</p> <p>44. If the properties remain separate, consideration will have to be given to reciprocal easements for access and infrastructure through the site plan control process. MECP should be consulted whether each site will require separate wells and whether easements for infrastructure are suitable.</p>
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