



City of Kenora
Planning Advisory Committee
60 Fourteenth Street N., 2nd Floor
Kenora, Ontario P9N 4M9
807-467-2292

Minutes
City of Kenora Virtual Planning Advisory Committee
Regular meeting held by way of Zoom Meeting
February 16, 2021
6:00 p.m. (CST)

<https://www.youtube.com/watch?v=dcrMSpTzc8E&feature=youtu.be>

Present:

Wayne Gauld	Chair
Bev Richards	Member
John Barr	Member
John McDougall	Member
Robert Kitowski	Member
Ray Pearson	Member
Tanis McIntosh	Member
Melissa Shaw	Secretary-Treasurer
Kevan Sumner	City Planner
Adam Smith	Manager Development Services

DELEGATION:

- i. The Chair, Wayne Gauld called the meeting to 6:00 p.m. and reviewed the meeting protocol and called the meeting to order.
- ii. Additions to the Agenda- none.
- iii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present, there were none.
- iv. Adoption of Minutes of previous meeting being that of December 15, 2020 were approved as circulated.
- v. The Secretary- Treasurer detailed two public comments that were received as additional correspondence relating to applications before the Committee. Committee Members were circulated the comments in advance of the meeting.
- vi. Consideration of an Application for Minor Variance

- D13-21-01 (concurrent with D10-21-02)

The Chair asked the City Planner Kevan Sumner to address the concurrent applications for lot creation, D10-21-02 and application for minor variance D13-21-01.

The planner introduced application for consent D10-21-02 as a proposal for the creation of one new lot. The effect of approval would be to divide the existing 3.16 ha property into two separate lots (northern lot 1.70 ha & southern lot 1.46 ha). The new lot and residual property will have less frontage and lot area than what is permitted under the "RU" Rural Zone, and therefore a minor variance file number D13-21-01 is required. The planner provided a description of the property, and reviewed consistency with the Provincial Policy Statement, the Official Plan and the Zoning By-law.

There were no concerns received as a result of interdepartmental circulation nor were public comments submitted. The Northwestern Health Unit was unable to make comment as a result of ground coverage during the winter month. Approval from NWHU shall be a condition of approval.

In evaluation of application for minor variance D13-21-01, the proposed variance for reduced lot area and reduced frontage was deemed compatible to the pattern of surrounding community and would not cause adverse impact on neighboring properties.

In an evaluation of application for consent D10-21-02, the applications are supported by the policies of both the Provincial Policy Statement 2020 and the Official Plan, and with the concurrent application for minor variance, the proposed lots are compatible to the regulations of the RU Rural zone of the Kenora Zoning By-law.

The City Planner recommended approval.

The Chair asked the applicant to provide additional information or comment on the application.

Diane Morley, Owner
dianemorley61@gmail.com

Diane thanked the committee and provided a brief description of the application, seeking approval to create additional lot. Ms. Morley acknowledged that she purchased the lot in 2011. Ms. Morley identified the lot will be sold to and developed with a home by a friend who has secured employment in the medical field here in Kenora.

The Chair asked if there was anyone who wished to speak in favor of or against the application, there were none.

The Chair asked PAC members for questions, there were none.

The chair asked for discussion. Mr. John Barr clarified with Ms. Morley that NWHU will assess the suitability of the lots for septic field in the spring and notified Ms. Morley that the application for consent would be valid for only one year from the date of approval. Ms. Morley understood and confirmed that she had already been in contact with NWHU.

File: D13-21-01

Motion: Robert Kitowski

Seconded: Ray Pearson

That the application, D13-21-01 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 4.12.3(a) which requires a minimum lot frontage of 90m for properties zoned "RU" Rural Zone, to allow for the creation of two lots with a lot frontage of 69.4m, and from Section 4.12.3(b) which requires a minimum lot area of 2.0 ha for properties zone "RU" Rural Zone, to allow for the creation of two lots sized 1.70 and 1.46 ha; meets the Four (4) Tests and should be approved.

Carried.

File D10-21-02

Motion: Robert Kitowski

Second: John McDougall

That application D10-21-02 for consent for lot severance on property located on Anderson Road and legally described as PIN 42174-0052; City of Kenora, be approved and provisional Consent be granted, subject to the conditions as outlined within the Planning Report.

Carried.

vii. Consideration of an Application for Consent

- D10-21-01

Tara Rickaby, Agent
TMER Consulting
TMERConsultingKenora@outlook.com

Mrs. Rickaby addressed the Committee and introduced the application for lot addition, being made as a result of an encroachment that was identified by the surveyor who was conducting field work for application D10-19-15 which was made by the Christensen's in 2019. The surveyor indicated major encroachment, the neighbouring property is a family member and together with the surveyor the parties agreed on a lot line that is satisfactory to everyone.

The City Planner presented the Planning Report, being an application for consent is proposed for a lot realignment by severing a 0.027 hectare portion of the property at 1509 Ontario Street and consolidating the new parcel with the current property at 812 Fourth Street. No new lots will be created. When the survey work was performed for the lot realignment in application D10-19-15, it was discovered that the residence and accessory structure belonging to the owner of the southern lot were encroaching on the northern lot. The proposed lot realignment will result in

both structures being located entirely on the southern lot. Both lots will continue to be used for residential use following the realignment.

The planner provided a description of the property, and reviewed consistency with the Provincial Policy Statement, the Official Plan and the Zoning By-law. There were no comments received as a result of internal circulation or from public circulation.

In an evaluation, the realigned lot line will remedy the existing encroachment by a dwelling and accessory structure, potentially preventing legal complications for current and future owners of the property. The application is supported by the policies of the Provincial Policy Statement and the Official Plan, and is compliant with the regulations of the R1 zone within the Kenora Zoning By-law.

The Planner made recommendation for approval.

The Chair asked is anyone was present to speak in favour or against, there were none.

The Chair asked the Committee for questions.

Ray Pearson and John Barr questioned how the property owner come up with the irregular lot line. The Agent informed the Committee that the lot line actually follows the toe of the slope and it seemed to make the most sense. The configuration was the surveyor's suggestion.

The chair asked for discussion, there was none.

Motion: Robert Kitowski

Seconded: Tanis McIntosh

That application D10-21-01 for consent, lot addition on property located at 1509 Ontario Street and 812 Fourth Street, and legally described as 42155-00096, and 421155-0097; CITY OF KENORA, be approved and provisional Consent be Granted and subject to the conditions as outlined within the Planning Report.

Carried.

- D10-21-03

Brian Heath, Owner

logcabin@kmts.ca

Mr. Heath thanked the Committee and reviewed the application for consent which was originally heard in 2019 as file number D10-19-10, however the application lapsed as a result of the survey not being completed in time. Application D10-21-03 is a resubmission of the original application. The survey is now completed.

The Planner reviewed the staff report and introduced application D10-21-03 as an application for consent to create one (1) new lot. The effect of approval would be to sever an existing 7.64 ha lot to create two lots sized 2.99ha and 4.65 ha. Both proposed lots will have frontage on Coker Road. The intended use of both lots is for residential development. An easement is being proposed so that both properties can share the same driveway.

The planner provided a description of the property, and reviewed consistency with the Provincial Policy Statement, the Official Plan and the Zoning By-law. There were no new or additional comments received as a result of internal circulation or from public circulation. Comments were received from Northwestern Health Unit and the Ministry of Natural Resources in 2019 as a result of circulation, those comments were read as part of the planning report and shall form condition of approval.

In evaluation, the proposed new lot will allow for separate ownership of the two parcels. The application is supported by the policies of both the Provincial Policy Statement 2020 and the Official Plan, and is compatible to the regulations of the RU – Rural Zone of the Kenora Zoning By-law. A number of conditions that would normally be required of a new consent application have already been met by the applicant in attempting to fulfill the conditions of the previous consent approval.

The City Planner recommended approval.

There was no one in the audience wishing to speak in favour of or against the application. The chair asked the committee for questions. There were none. The chair asked the committee for discussion, there was none.

Motion: Robert Kitowski

Second: John Barr

That application D10-21-03 for consent for lot severance on property located at 1540 Coker Road and legally described as PIN 42134-0516; CITY OF KENORA, be approved and provisional Consent be granted, subject to the conditions outlined within the planning report.

Carried.

- viii. Consideration of Recommendation to Council, Application for an Amendment to the Zoning By-law 101-2015, Application for an Amendment to the Official Plan
- D14-21-01
 - D09-21-01

The Manager of Development Services Adam Smith thanked that the participants for reviewing this City-initiated Official Plan Amendment and Zoning By-law Amendment that would change both the designation and zoning on a segment of Central Park to enable high-density residential development.

Mr. Smith addressed the City struggles with a housing crisis that affects all demographics and income groups, but also being faced with the stark reality that is development in Kenora. Kenora does not have an extensive amount of suitable land to support large-scale housing development, and it is why the City must seek solutions such as the proposal put forward for Central Park.

Based upon the public comments received, Mr. Smith addressed the three common themes of concern related to the development potential of the land, impact on user groups and reduction of green space.

Mr. Smith acknowledged that the availability of municipal services in conjunction with the location of Central Park makes the property ideal for housing. Review of the title indicates there are no covenants on the property preventing residential development. In terms of impact on user groups, Mr. Smith clarified that those whom have used the Central ball fields in the past will be accommodated at other City locations.

Mr. Smith concluded his presentation with information about the future process of disposition of the land which would be through an Expressions of Interest process that emphasizes compatibility with the retained portion of the park.

The Chair thanked Mr. Smith and asked the City Planner to proceed with his presentation.

The City Planner, Kevan Sumner reviewed the staff report, as a City initiated applications D14-21-01 and D09-21-01 seek amend the Official Plan and Zoning By-law for the western portion of Central Park, to enable the future removal of the underutilized ball diamond on the western portion of the Central Park property and the future sale of the property for residential development. The exact nature of the future residential development will be determined through the disposition process.

The purpose and effect of the proposed Official Plan amendment is to:

- Redesignate the subject lands from Open Space Area to Established Area;
- To enable residential development to occur on a portion of the subject lands.

The purpose and effect of the Zoning By-law amendment is to:

- Rezone the subject lands from "OS" Open Space to "R3" Residential – Third Density;
- To enable residential development to occur on a portion of the subject lands.

The Planner described the existing site conditions, ball field currently occupy the western portion of Central park and are not as well-utilized as other ball fields in the city. The site was described as level but poorly drained, resulting in soggy conditions. The area proposed for redesignation and rezoning has frontage on Park Street, First Street South, and Seventh Avenue. Municipal wastewater, storm sewer, and water service is available to the site, and it is located on a bus route. It

is also located within walking distance of commercial and institutional services located in the downtown area.

Recreational use of Central Park will be preserved on the eastern portion of the site, with the Central Community Club and rink remaining in use. The Planner acknowledged concerns that had been raised from the public with regards to the history of the site. There have been suggestions that a condition of the original transfer of the site to what was then the community of Rat Portage, was that this site was to be used in perpetuity as a park. A thorough review of the property title has identified that no such restriction was ever registered on the title.

Other concerns related to the material used in filling and leveling the property to its current state. The City is not aware of any environmental contamination of the site, and there have been no issues with public use of the property as a park for more than a century.

The Planner reviewed consistency with the Provincial Policy Statement, the Official Plan and the Zoning By-law. The application was circulated to internal departments and external agencies for comment. CP Rail comments on the proposed development in the vicinity of rail operations, should the applications receive approval, CP recommends the guidelines found on their website (<http://www.proximityissues.ca>) be followed. Ministry of Environment, Conservation and Parks confirmed no RSC is required for site re-development and Lake of the Woods Museum/ Heritage Kenora confirmed the original plan of the town called for that whole area to be residential (supported by HBC land grants map from the 1880s).

Notice of the application was given in accordance with Sections 17 and 34 of *The Planning Act*, whereby it was circulated on February 21, 2021 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on January 28th and February 4, 2021 and circulated to persons and public bodies as legislated.

As of the date of the meeting four submissions had been received from the public in opposition to the proposed redesignation and rezoning of the property. Submitters believe that the land should remain in its current use as a public park.

In evaluation, the City Planner acknowledged the careful consideration of the highest and best use of the Central Park property in meeting the needs of the city and its residents. The Central Park ball field is currently inadequate in meeting the needs of a diverse range of user groups. At the same time, finding serviced, developable land for urgently-needed residential units has become more difficult.

The City Planner provided his professional planning opinion that the applications for Official Plan Amendment and Zoning By-law Amendment, File Nos. D-09-21-01 and D14-19-07, to change the Official Plan Designation from Open Space to Established Area and change the zoning of the property from "OS" Open Space Zone to "R3"

Residential – Third Density Zone, should be approved, in lieu of public comments that may not yet be received.

The chair asked the attendees on the Zoom meeting if anyone wished to speak in favour of the applications, there were none. The Chair asked the attendees on the Zoom Meeting if anyone wished to speak in opposition:

Ashley Cederwall
930 First Street South
Kenora, ON
P9N 1E6

Ms. Cederwall thanked the Committee and introduced herself as a resident who lives in close proximity to the park. She acknowledged that she does not live directly beside the park, however is directly impacted as she enjoys the greenspace for recreation and as a central place to walk her dog. Ms. Cederwall provided the Committee with a brief description of her educational background which she draws from with concern that the City is stealing the 'good life' from residents in taking away green space. Ms. Cederwall referenced the Canadian Centre for Policy Alternatives, environment and sustainability public policy known as 'the good life-the green life' (www.policyalternatives.ca).

Ms. Cederwall also addressed the current crisis of mental health across Canada and supported the need for green space in pursuit if the 'good life'. Ms. Cederwall identified concern with the public notification process, and confirmed she did not received notice at 930 Frist Street South. Ms. Cederwall did not agree that mail outs within 120 m, and publication with the newspaper was considered sufficient.

Hilary Jackson
701 First Street South
c/o 284 Villeneuve Road
Kenora, ON P9N 0B9

Hilary Jackson thanked the Committee and expressed gratitude to be able to participate. Ms. Jackson expressed concern with the effort it took to obtain information. Noting unsuccessful attempts with a Councillor to obtain information in addition, she too did not recall receiving notice of the application in the mail.

Ms. Jackson agreed that housing is an issue within our community, however she expressed concern around the prospect of high density housing within the area. As a property owner directly across from the park, she has found needles and all sorts of garbage on her property and within the park. Ms. Jackson supports the preservation of greenspace and identified the park as an attraction and one of the reasons she moved her business into the neighbourhood.

The Chair asked the Committee for questions:

Bev Richards asked that the recommendation to Council be updated with the legal description being Lots 31-40 and Lots 41-50, Block 4 Plan 3 and the request to include the western portion of the laneway within the description. Mrs. Richards also sought clarification on the disposition process and wondered how the Community might have some control over what is ultimately built.

The City Planner addressed the Members concern, through the EOI process, applications will be evaluated in accordance with City Policy and with emphasizes on compatibility of neighbouring uses and with the retained portion of the park.

Tanis McIntosh wished to address concern about replacing green space. The Member was excited to learn that the JM Ball field would be running at capacity this year and will support additional playing times. Jaffrey Mellick ball field is located along Rabbit Lake; the highest density of people live near our downtown. Tanis stressed the need for and lack of bike trails from the downtown to the JM Ball fields (Rabbit Lake) and questioned how the youth will access this optional space.

Tanis McIntosh also addressed the Harbourfront Redevelopment Pan, and an option to encourage new green space in the downtown, if the Central fields are redeveloped. She asked the City to speak to the reality of this plan. Adam Smith, Manager Development Services confirmed that staff are working on funding applications, optimistically the City will not receive detailed designed drawings until 2022 and re-design until 2023.

Robert Kitowski referenced the application and noted the subject property is located 200 m from Laurenson Lake. Mr. Kitowski did not see any information on the impact to the creek and sough comment from the City Planner. ,

Kevan Sumner, City Planner recognized the 200 m setback form Laurenson creek, and compared this provision to that of the proximity to CP Rail, the fact is that there is existing sensitive uses and the City could not see how this development would further impact the creek.

Mr. John Barr asked about the total lot area of the western half of Central. It was determined to be approximately 75 m by 97 m in area which would include the western portion of the laneway.

John Barr, questioned the demographic of the neighbours in the area. Adam Smith said there was likely a high degree of seniors in the area, as a whole, the City is seeing a shifting demographic. Mr. Smith suggested that development would encourage higher density to allow for age in place.

John Barr questioned the comment about public consultation and asked if there was any thought given to more consultation? Kevan Sumner said that consultation was handled in accordance with the Planning Act – the Planning Department has not engaged in any exceptional public consultation above the regulations.

John Barr asked the Planner if a decision on these applications could be deferred and if so would that be critical to the project. Adam Smith addressed the question and said that the effort to change to Official Plan and the Zoning By-law it is to address the housing shortage. We are looking to move quickly to close in on some of those gaps. The need for housing has been the overriding factor to move this forward.

Mr. Barr asked if the City would consider the absolute preservation of the eastern half in perpetuity. Mr. Smith said that the City has a vested interest to ensure the eastern half is developed for recreation.

There was discussion around the CP Proximity comments on page 6 of the Planning Report, the City of Toronto was referenced. As per the City Planner he did not want to take any initiative to edit their comment however one could imagine it was a copy and paste error.

Ashley Cederwall
930 First Street South
Kenora, ON
P9N 1E6

Ms. Cederwall encouraged public confidence and asked the City to provide physical evidence that there is no covenant on title that states the land must be used for park purposes.

Ryan Haines
ryan.haines@kenoriconsultants.com

Mr. Haines thanked the Committee, from an environmental perspective the subject lands have historically being a wetland area. Mr. Haines wondered if the City has taken into consideration what development means to storm water management. The City Planner acknowledged no concerns from the Municipal Engineer, however storm water management is something that would be reviewed at the time of future development.

The Chair asked the Committee for discussion.

Mr. Ray Pearson suggested the applications were premature without an understanding of what the City wants to see or what type of housing will be supported.

Mr. John McDougall echoed Member, Ray Pearson's concerns with not knowing what development might look like.

Tanis McIntosh acknowledged that she works for a developer in Kenora and knows firsthand that construction costs local can be very difficult. She mentioned that as soon as variances or any level of uncertainty are tied to a project, costs increase. Ms. McIntosh did not support the removal of a park, however understood the need

for housing. She believed affordable development should be constructed on a site such a central park that does not carry a lot of development hurdles.

Robert Kitowski did not favour the idea of converting open space for residential development, however in an evaluation against the Provincial Policy, the Official Plan and the Zoning By-law, Mr. Kitowski identified the applications as favourable.

John Barr did not support a 'rush' on the approval. Mr. Barr recommended more public consultation. Mr. Barr also questioned the use of the JM ball fields for members of the Community whom live within the Central Park area, it is a very long way away.

Carolyn Hudson
hcarolyn39@gmail.com

Mrs. Hudson wrote a comment with the Zoom Meeting chat function. "As of August, 2019 Kenora had a housing shortfall of 600 units for affordable housing for seniors."

Ashley Cederwall
930 First Street South
Kenora, ON
P9N 1E6

Ms. Cederwall provided comment via the Zoom Meeting chat function.
"If this proposal for residential development of Central Park were not going through during the Covid-19 pandemic, I think that there would be a public petition with neighborhood signatures opposing the development of the park. Greenspace at the Harbourfront is not same as having green space in your own neighborhood. Approving the proposal for the development of the park, does not show consideration for the neighborhood residents."

There was further discussion about the need for housing and the proposed western portion of Central Park as a good site for development, however few Members sought clarification on the type of housing that was being proposed and hoped for more information prior to making a decision. The Committee discussed other options such as deferring a decision, or recommending further public consultation.

The Chair reminded the Committee that they were being asked to make a recommendation to council on the merits of the application against the Provincial Policy, the Official Plan and the Zoning By-law.

Moved by: Tanis McIntosh

Seconded by: Robert Kitowski

Resolved that the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve Application for Official Plan Amendment, File No. D09-21-01, the subject lands are municipally known as the western half of "Kenora Central Park", 700 First Street South, legally described as Lots 31- 35 and 41-45 Block 4 Plan 3 and the western portion on an unopened laneway. The purpose of the Official Plan Amendment to redesignate the subject lands, from

Open Space to Established Area. The effect of the Official Plan Amendment is to enable residential development to occur on the subject lands.

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, and the Provincial Policy Statement, 2020, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

Carried.

Moved by: Robert Kitowski

Seconded By: John McDougall

Resolved that the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve Application for Zoning By-law Amendment, File No. D14-21-01, the subject lands are municipally known as the western half of "Kenora Central Park", 700 First Street South, legally described as Lots 31- 35 and 41-45 Block 4 Plan 3 and the western portion on an unopened laneway. The purpose of the Zoning By-law Amendment is to rezone the subject lands from Open Space (OS) to Residential Third Density (R3).

The effect of the Zoning By-law Amendment is to rezone lands to conform to the proposed Official Plan Amendment and to promote residential development to occur on the subject lands.

The Committee has made an evaluation of the application upon its merits against the Official Plan, Zoning By-law, and the Provincial Policy Statement, 2020, and provides a recommendation to Council purely based on these matters; whereas the Committee may not have had the opportunity to hear public comments in full.

Carried.

ix. New Business

- OP and ZBL Review

The City Planner reviewed in high level detail the Special Meeting of Council that was held on February 16, 2021 at 11 am to review the policy and directives in the OP review process. The meeting was hosted by WSP- for more information please visit Kenora.ca.

As a next step in the OP and ZBL Review process, the TAC- Technical advisory committee will meet the 3rd week of March and in the next month or so we will have a draft Official Plan for review.

The PAC Committee had discussion on laneway housing, two storey boathouses and short-term accommodations.

x. Adjourn

Moved by: John Barr

That the February 16, 2021 Planning Advisory Committee meeting be adjourned at 8:30 p.m.

Minutes of the Kenora Planning Advisory Committee meeting, Tuesday February 16, 2021, are approved this 16th day of March, 2021.

*Virtual Meeting

Wayne Gauld, Chair

Melissa Shaw, Secretary-Treasurer