



A G E N D A

for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D14-20-04 - 63 Nash Street)
Tuesday, January 12, 2021
12:00 p.m.
City Hall Council Chambers

Land Acknowledgement

Council Declaration of Pecuniary Interest & General Nature Thereof

- i) On Today's Agenda or from a previous Meeting
- ii) From a Meeting at which a Member was not in Attendance

Introduction/Summation of Intent:

The purpose of public meetings is to present planning applications in a public forum as required by The Planning Act. Following presentations by the applicant and our City Planner, any members of Council will be afforded an opportunity to speak and at that time, the meeting will then be opened to the public for comments and questions. The public is encouraged to read the City Planner's planning report in advance of the public meeting which may clarify questions in advance of the public meeting. Interested persons are requested to give their name and address for recording in the minutes.

Personal information collected as a result of this public hearing and on the forms provided at the meeting are collected under the authority of the Planning Act and will be used to assist in making a decision on this matter. All names, addresses, opinions and comments may be collected and may form part of the minutes which will be available to the public. Questions regarding this collection should be forwarded to the City Clerk.

Notice was given by publishing in the Daily Miner and News which in the opinion of the Clerk of the City of Kenora, is of sufficiently general circulation in the area to which the proposed by-law amendment would apply, and that it would give the public reasonable notice of the public meeting. Notice was also provided by mail to every owner of property within 120 metres of the subject property, prescribed persons and public bodies, and posted online on the City of Kenora portal.

An appeal may be made to the Local Planning Appeal Tribunal not later than 20 days after the day that the giving of notice as required by section 34(18) is completed by either the applicant or person or public body who, before the by-law is passed makes oral submissions at a public meeting or written submissions to the Council, and may not be added as a party unless, in the opinion of the Tribunal there are reasonable grounds to do so. A notice of appeal can be filed with the City Clerk with the Tribunal's required fee of \$300.00.

An appeal may only be made on the basis that the bylaw is inconsistent with a policy statement issued under subsection 3 (1), fails to conform with or conflicts with a provincial plan or fails to conform to an applicable official plan.

No decisions are made at public meetings concerning applications, unless otherwise noted. The public meeting is held to gather public opinion. The Council of the City of Kenora will have the opportunity to consider a decision at a future meeting of Council.

Herein the applicant will have the opportunity to speak on behalf of their application, and the City Planner will provide a summation of her report and recommendation, after which anyone who wishes to speak either for or against the application, will be given the opportunity to do so, and a record will be kept of all comments.

If anyone wishes to receive the Notice of the Decision of Council, please leave your name and address with the City Planner.

1. Applicant Presentation

- The applicant (or representative) will present their planning application.

2. City Planner Report/Rationale

- City Planner, Kevan Sumner, to describe the details of the planning application.

3. Express Interest

Any person may express his or her views of the amendment and a record will be kept of all comments.

- a) Is there any member of the public who wishes to speak in favour of the amendment?
- b) Is there any member of the public who wishes to speak in opposition of the amendment?

4. Discussion

- a) Members of Council – Discussion/Questions (no decision is made)

5. Questions

- Members of the Public – are there any questions of the application?

6. Close of Public Meeting

- No further questions/comments, meeting is declared closed.



The Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Zoning By-law Amendment, File Number D14-20-04
Planning Act, R.S.O 1990, c.P13, s. 34

Take Notice that Council of the Corporation of the City of Kenora will hold a Statutory Public Meeting, under Section 34 of the *Planning Act*, to consider a Zoning By-law Amendment as it pertains to Zoning By-law No. 101-2015, at the following time and location:

**Statutory
Public Meeting**

When: Tuesday, January 12, 2021 at 12:00 p.m.
Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

Council will be hosting a virtual meeting by live stream to allow for public viewing. Access to speak at the meeting can be made by registering with the City Planner at ksumner@kenora.ca

<https://video.isilive.ca/kenora/>

The Council of the Corporation of the City of Kenora will then have the opportunity to consider a decision regarding the application during their regular meeting on Tuesday, January 19, 2021 at 12:00 p.m.

You are also invited to attend The Kenora Planning Advisory Committee (PAC), who hears applications and considers recommendations to Council, commencing at the following time and location:

PAC Meeting

When: Tuesday, December 15, 2020 at 6:00 p.m.
Location: PAC will be hosting a virtual meeting via Zoom Meeting.

Access to the virtual meeting will be made available by registering with the Secretary-Treasurer at mshaw@kenora.ca.



Location of Property: 63 Nash Street, Kenora, ON, as identified in the key map above.

Purpose: to amend the current zoning of the subject property from “R3” Residential Third Density to “HC” Highway Commercial.

Effect of Approval: to permit the development of uses which conform to the HC- Highway Commercial Zone, namely a parking lot and one accessory residential dwelling unit.

Virtual Statutory Public Meeting: Although Council meetings are being held virtually via live stream, there are still several ways in which the general public can provide input on the proposed application, as follows:

- a. **Submit comments in writing:** Persons wishing to provide comments for consideration at the Statutory Public Meeting may submit such comments in writing no later than Friday, January 8th, 2021 by email, to planning@kenora.ca or by regular mail to the address below, and quote File Number: **D14-20-04**.
Mr. Kevan Sumner, City Planner

December 9, 2020

**City Council
Committee Report**

File No.: D14-20-04

To: Kyle Attanasio, CAO

Fr: Kevan Sumner, City Planner

Re: Application for Zoning By-law Amendment

Location: 63 Nash Street (PCL 13884 SEC DKF; LT 8 PL M37 EXCEPT
LT76446; KENORA)

Owner: Bruce Krawicki

Agent: Kenora Resource Consultants Inc.

1. Introduction

An application has been received to change the zoning of the subject property from "R3" Residential – Third Density Zone to "HC" Highway Commercial Zone to allow for development of a parking lot on a portion of the property.



Figure 1 - Aerial image displaying boundaries of subject site

2. Description of Proposal

The property owner intends to develop a parking lot on the southern portion of the property, to support the future expansion of the nearby Change of Latitude Marina. The future marina expansion will require a Minor Variance to relieve parking requirements for the property on which the marina is located. Development of this proposed parking lot will provide off-site parking to support the Minor Variance application. The Minor Variance application has not yet been received.



Figure 2 – Proposed Site Plan

3. Existing Conditions

The property currently contains a residential dwelling and accessory garage, which the property owner intends to retain. These will be considered legal non-conforming uses under the proposed HC zone.

Surrounding properties contain a mix of residential and commercial uses on the south side of Lakeview Drive, and a mix of commercial and undeveloped lands on the north side of Lakeview Drive. The bay to the southwest contains extensive marina docking, including that of the property owner.

4. Site Visit

On November 20th, 2020, I attended the subject location to view existing conditions. The photo below is intended to provide a visual of the existing lot.



Figure 3 – Panoramic view from Nash Street, at the southwest corner of the property.

5. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (PPS) 2020

The proposed rezoning is consistent with those policies that support providing for a mix of land uses which efficiently use land and resources (Policy 1.1.3.2(a)) and are appropriate for, and efficiently use, the infrastructure... available... (Policy 1.1.3.2(b)). The Policy Statement also states that planning authorities shall promote economic development and competitiveness by encouraging compact, mixed-use development that incorporates compatible employment uses (Policy 1.3.1(d)).

b) City of Kenora Official Plan (2015)

The land use designation of the property is Established Area (Figure 4). Policy 4.1 of the Plan states that permitted uses shall include residential, commercial, industrial, and institutional uses.

Surrounding properties to the north, east, and west are designated as Commercial Development Areas. Properties to the south and east are designated as Established Area, and an area to the southeast is designated as a Residential Development Area.

In the Established Area, minor changes to land use that are compatible with existing land uses, do not result in significant increases to traffic, dust, odour or noise, are similar in scale to the surrounding built form, and that improve the quality of life for area residents may be permitted through an amendment of the Zoning By-law (Policy 4.1.2(e)).



Figure 4 - OP Mapping

c) Zoning By-law No. 101-2015

The property is currently zoned "R3" Residential – Third Density Zone (Figure 5). This zone allows for the development of public and privately owned facilities of an institutional or community service nature.

The proposed "HC" Highway Commercial Zone allows for the development of a wide range of uses and services to meet the needs of residents, businesses and tourists. The redevelopment of a portion of the property will need to comply with all applicable zoning regulations and will be subject to site plan control.

The design of the proposed parking lot appears to meet Zoning By-law requirements for dimensions of parking spaces and adjacent aisles.

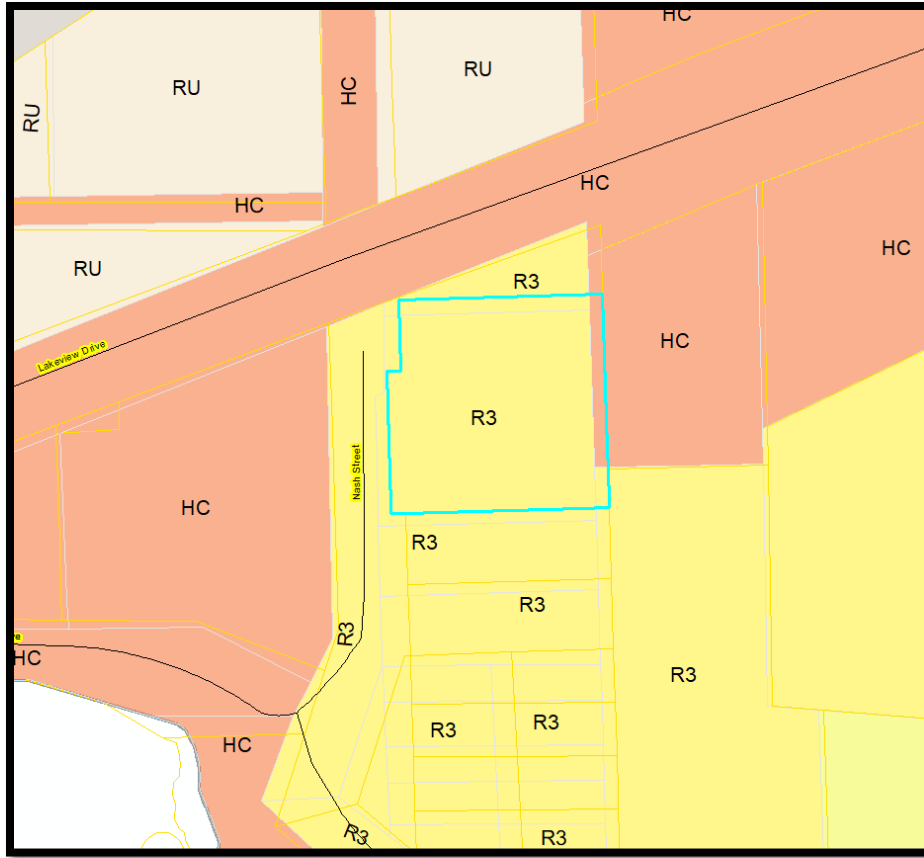


Figure 5 - Zoning By-law Mapping

6. Results of Interdepartmental and Agency Circulation

The proposed Zoning By-law Amendment was circulated for comment on December 7th, 2020. The following is a summary of comments received in response.

Environmental Division	No concerns
Roads Division	No concerns
Parks and Facilities Division	No concerns
Synergy North	No objection. A utility easement is located at the southeast corner. No building can be permitted within the easement and horizontal clearance requirements must be adhered to between buildings and overhead wires.
Kenora Fire and Emergency Services	No concerns
Engineering	No concerns
Building Department	No concerns
Enbridge	No concerns

Ministry of Natural Resources	No concerns
CP Rail	Not in favour of residential uses in proximity to the railway as they generally are not compatible with rail operations, and the safety and welfare of residents can be adversely affected. Recommend that any future tenants be provided with sufficient information regarding living in proximity to an active rail line as freight trains operate 24/7 and schedules/volumes are subject to change. Does not oppose commercial developments within vicinity of CP right of way, but such developments should meet recommendations based on site specific conditions and intended use.

7. Public Comments

A public meeting is scheduled to be held by Council on January 12th, 2020. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on December 10th, 2020 to property owners within 120 metres, published in the Municipal Memo of the Newspaper on December 12th, and circulated to persons and public bodies as legislated.

The Planning Advisory Committee considered the application and passed a resolution recommending approval of the application at their meeting on December 15th, 2020. The minutes and relevant resolution from this meeting are attached.

As of the date of this report (December 29th, 2020), no public comments have been received.

8. Evaluation

This large property currently contains a residence but has a significant undeveloped area that appears to be suitable for development for the intended use. The bay to the southwest of this property has extensive marina development, but limited parking areas constrain the use and expansion of the docks. The proposed new parking lot will relieve existing pressure for parking in the area and may support future expansion of the owner's nearby marina.

If approved, the proposed rezoning will match that of adjacent properties on the south side of Lakeview Drive, and is suitable to the mix of uses and zones in the immediate vicinity of the property.

9. Recommendation

As the Planner for the City of Kenora, it is my professional planning opinion, that the Application for Zoning By-law Amendment, File No. D14-20-04, to change the zoning of the subject property from "R3" Residential – Third Density Zone to "HC" Highway

Commercial Zone; should be approved, in lieu of public comments that may yet to be received.

Attachments

- Complete Application for Zoning By-law Amendment
- Notice of Application and Public Meeting
- Planning Advisory Committee Resolution
- Planning Advisory Committee Draft Minutes

- b. **Register to Speak at the PAC Virtual Meeting:** If you wish to speak at the Statutory Public Meeting, you are asked to register in advance by email, to planning@kenora.ca no later than noon on December 14th, 2020 and quote File Number: **D14-20-04**. To register by phone please call: 807-467-2059.

Failure To Make Oral Or Written Submission: If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of The Corporation of the City of Kenora before the by-law is passed:

- a) the person or public body is not entitled to appeal the decision of the Council of The Corporation of the City of Kenora to the Local Planning Appeal Tribunal.
- b) the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Appeal of a decision of the Municipality in respect of this amendment to the Zoning By-Law may be made by any person or public body not later than 20 days after notice of the decision is given.

Notice of Decision: If you wish to be notified of the decision of the Council of The Corporation of the City of Kenora in respect of the application for Zoning By-Law Amendment, you must make a written request to Heather Pihulak, Clerk of The Corporation of the City of Kenora at 1 Main Street South, Kenora, ON P9N 3X2

Additional Information is available during regular office hours at the Operations Centre. Please contact Kevan Sumner, City Planner, if you require more information: Tel: 807-467-2059 or Email: ksumner@kenora.ca
Personal information that accompanies a submission will be collected under the authority of the Planning Act and may form part of the public record which may be released to the public.

Dated at the City of Kenora this 12th day of December, 2020.



KRAWICKI PROPERTY 63 NASH STREET PLANNING RATIONALE

2020/21

Submitted to meet the planning rationale requirements for an application for amendment to zoning by-law and site plan control application submitted to the City of Kenora.

Prepared by:



Ryan Haines, M.Sc.
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Satellite images, aerial photographs, and the figures produced from them in this report are intended for illustration purposes only and shall not be considered as official plans or drawings.

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1.0 Physical Description of Site

The physical characteristics of the land, with a moderate slope to the south and west, provides stormwater drainage from the subject property into existing City of Kenora stormwater drains. The subject lands appear to have a natural low gradient at the site of the proposed parking lot making the site suitable for the intended use (Figure 1).

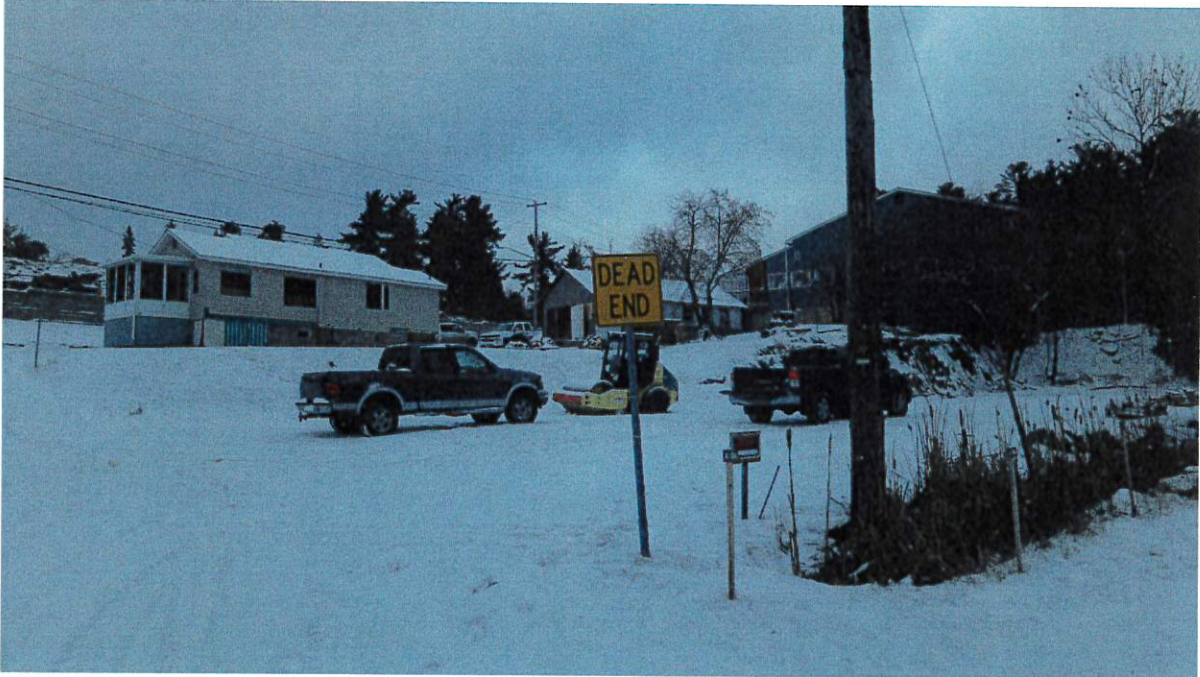


Figure 1 – Subject lands have a moderate slope to the southwest and natural low gradient in proposed parking lot

2.0 Planning History of Site

As the current owner has recently purchased the property, the details of the planning history for the site is unknown. The Parcel Register for the subject property indicates the previous owner inherited the property in 2007. The previous owner of the subject property indicated that the current residence on the property is a multi-generational home, built by his grandfather. This would indicate that the subject property has been used for residential use for many decades. The Parcel Register for the subject property indicate transfers of land between individuals in 1997 and 2007 with no indication of any business interests or non-residential ownership in the lands.



Figure 2 – Current residence on site was built by the former property owner’s grandfather

3.0 Proposed Future Use of Site

The proposed use of the subject property is the continued use of single detached dwelling as a rental unit, with the addition of a parking lot on the southern portion of the subject lands (Figure 3).



Figure 3 – Proposed future use of site includes addition of a parking lot at south end of subject property

4.0 Site Suitability

The physical characteristics of the land, with a moderate slope to the south and west, provides stormwater drainage from the subject property into existing City of Kenora stormwater drains. The subject lands appear to have a natural low gradient at the site of the proposed parking lot making the site suitable for the intended use.

5.0 Adjacent Lands

The subject land is abutting multiple properties to the east and west along Highway 17 that are zoned Highway Commercial, including an existing parking lot to service the current Change of Latitude marina operations. The abutting lands to the south are zoned Residential Third Density, but function as a parking lot for dock slips as part of the neighbouring property to the west (Figure 4). Therefore, the rezoning of the subject property to Highway Commercial will help to align the subject property with surrounding lands along this section of Highway 17.

The abutting property to the west (former Anchor Inn) submitted an application to the City in 2019 for rezoning from Highway Commercial (HC) to a site-specific form of Tourist Recreational (TR). The rezoning was approved by the City, but was subsequently appealed to the Local Planning Appeal Tribunal (LPAT). As of November of 2020, the file was still awaiting a ruling from LPAT. It is felt that the proposed Zoning By-law amendment for the subject property will not have an effect on nor be effected by the abutting property under either an HC or site specific TR zoning designation.



Figure 4 – Abutting lands to the south function as a parking lot for dock slips for the former Anchor Inn property

6.0 Planning Justification

The subject property was purchased in the fall of 2020 by Bruce Krawicki of Change of Latitude Marina. The intent of the purchase was to expand Change of Latitude's existing marina operations with a portion of the subject lands to be used to facilitate the parking requirements for this expansion.

The subject lands are suitable for the requested zones as the property frontage is on the Trans Canada Highway and the neighbouring properties are also designated Highway Commercial. It is felt that the rezoning of the lands will be in keeping with both the intent of the Highway Commercial designation as well as compatibility with surrounding land-use. It is felt that the proposed parking lot, which abuts the parking lot for dock slips associated with the neighbouring property to the west (former Anchor Inn), is an appropriate land-use and an excellent transition from the Highway Commercial zoning to the Residential Third Density (R3) zoning for properties to the south and east (Figure 5).



Figure 5 – The subject property abuts multiple properties designated as Highway Commercial (orange)

The current zoning of the subject lands (R3) does not allow for parking lots. In discussions with the City of Kenora planning department, an Application for Minor Variance/Permission to allow for the construction of a parking lot was not recommended as the proposed additional use (i.e. parking lot) is not ancillary to the existing use of the property as a residential lot. Therefore, a Zoning Amendment is required to allow for the parking lot to support the marina expansion to be a permitted use for the subject property. The proposed new zoning (HC) does allow for parking lots to help to support the expansion for the marina operations.

The subject land is designated Established Area, with all of the neighbouring properties with frontage on Highway 17 being designated as Commercial Development Area. Permitted uses in the Established Area (Section 4.1.1 of the Official Plan) includes commercial uses. The Established Area Policies (Section 4.1.2 of the Official Plan) states that "Minor changes to land use that are compatible with existing land uses, do not result in significant increases to traffic, dust, odour or noise, are similar in scale to the surrounding

built form and that improve the quality of life for area residents may be permitted through an amendment to the Zoning By-law."

Section 1.2 of the 2020 Provincial Policy Statement indicates that "A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities...including: b) economic development strategies." Section 1.3 provides that "Planning authorities shall promote economic development...by: e) ensuring necessary infrastructure is provided to support current and projected needs". It has been identified, as part of the City of Kenora's branding as North America's premier boating destination, that more docking is needed in the area. Many of Kenora's marinas have indicated that they are operating at or beyond capacity during the summer months (City of Kenora 2014). This shortage has been exacerbated by the permanent closure of Rheault Bay Marina in 2020. This application will help the City of Kenora provide the services needed to deliver on its brand promise as a premier boating destination, which is the cornerstone of tourism-based economic development in the City.

7.0 Natural Environment

The mapping review and site visits for the subject property did not provide any indications or evidence that there are any natural values that will be impacted by the proposed development activities on the subject property.

8.0 Municipal Services

The proposed future use of the southern portion of the site as a parking lot will not require any additional municipal services. The residential home on the site will continue to be occupied as a rental home and the municipal services required will be unchanged from those required in previous decades.

8.1 Roads

While the subject property does have frontage on Highway 17, access to the property will be via Nash Drive and Nash Street (Figure 6). It is felt that this access point is preferable for traffic safety in the area by minimizing the number of access points along this busy stretch of highway. The parking lot will be used seasonally for long-term parking by cottage owners and boaters. It is felt that the addition of 24 long-term parking stalls accessed via Nash Drive will have a minimal impact on the amount of vehicular traffic in the area.



Figure 6 – Vehicle access to subject property from Highway 17 will be via Nash Drive

8.2 Stormwater Drainage

The physical characteristics of the land, with a moderate slope to the south and west, provides excellent drainage from the subject property into existing City of Kenora stormwater drains. The proposed parking lot will be constructed with gravel to ensure a porous surface to minimize overland flow during and following major rain events. In addition, the parking lot will have a minimum 2 percent slope to the south and west to ensure that any stormwater that does move offsite is directed to existing City stormwater drains and infrastructure.



Figure 7 – Topography of subject property directs stormwater to existing City infrastructure

There are four City stormwater drains located immediately adjacent to the subject property along the western boundary and to the south (Figure 8). The natural slope of the subject property, and the 2 percent parking lot slope to the west, will ensure that any stormwater from the subject property is directed to the existing City stormwater management system.

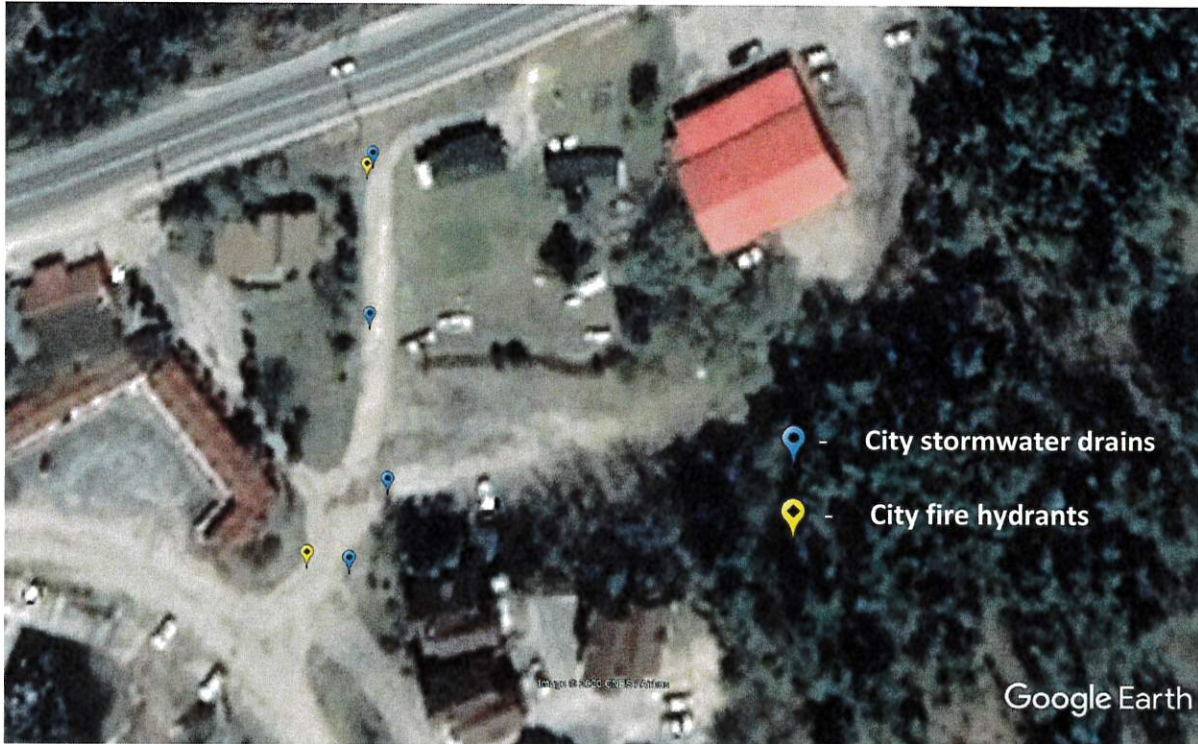


Figure 8 – Satellite image of subject property showing location of stormwater drains and fire hydrants

9.0 Nearby Features

The subject property is located in the area of impact for two nearby features. There is an active rail line located approximately 140 m from the proposed parking lot. This is the main Canadian Pacific (CP) rail line running east-west across the country. In addition, Highway 17 (Trans Canada Highway) is located adjacent to the subject property and approximately 40 m from the proposed parking lot (Figure 9).



Figure 9 – Proposed new parking lot is approximately 140 m from railway and 40 m from Highway 17

It is not felt that the proposed parking lot will be impacted by its proximity to either of these nearby features nor will it have an effect on the rail line or transportation corridor. The presence of these features in proximity to the subject property provides further rationale for a change in zoning from residential to Highway Commercial.

10.0 Concurrent Applications

To meet the municipal and provincial requirements for the proposed Change of Latitude marina expansion, there are multiple applications that are being submitted concurrently. An application for a water lot leasehold expansion has been made to the Ontario Ministry of Natural Resources and Forestry, which includes engaging with the federal government to ensure that impacts to navigation from the proposed development are mitigated. An Application of Amendment to Zoning By-law and Site Plan Control Application are being submitted concurrently as well to expedite the approval process with the goal of expanding marina operations in the spring of 2021.



The Corporation of the City of Kenora

PLANNING ADVISORY COMMITTEE MEETING RESOLUTION

MOVED BY: John McDougall

SECONDED BY: Robert Kitowski

DATE: December 15, 2020

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. D14-20-04, civic address 63 Nash Street, Kenora, ON, to change the zoning of the subject property from R3" Residential – Third Density Zone to "HC" Highway Commercial Zone. 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.

DIVISION OF RECORDED VOTE				CARRIED <input checked="" type="checkbox"/>	DEFEATED
Declaration of Interest (*)	NAME OF PLANNING MEMBER	YEAS	NAYS		
	Richards, Bev	<input checked="" type="checkbox"/>			
	Gauld, Wayne	<input checked="" type="checkbox"/>			
	Kitowski, Robert	<input checked="" type="checkbox"/>			
	Pearson, Ray		<input checked="" type="checkbox"/>		
	Barr, John	<input checked="" type="checkbox"/>			
	McDougall, John	<input checked="" type="checkbox"/>			
	McIntosh, Tanis				

Wayne Gauld
CHAIR