



**Minutes
City of Kenora Virtual Planning Advisory Committee
Regular meeting held by way of Zoom Meeting
Tuesday, July 18, 2023
6:00pm (CST)
Video Recording:**

DELEGATION:

Present:

**Robert Kitowski
Tara Rickaby
Robert Bulman
Renee Robert
Jay Whetter
Keric Funk
Kevan Sumner
Janis Pochailo
Alberic Marginet
Alex Stornel**

**Chair
Vice Chair
Member
Member
Member
Member
City Planner
Director of Planning and Building
Secretary-Treasurer
Minute Taker**

Members of Public:

i. Call meeting to order

The special meeting was called to Order by the Chair, Robert Kitowski, at 6:00 PM Central Time, and a Land Acknowledgement was provided recognizing the traditional territories of Treaty Three First Nations and Metis people. The Chair identified the meeting being recorded and that all participants agree to be recorded by choosing to attend. The Chair described the expected protocols and processes to be followed during the meeting.

ii. Additions to the Agenda

The Chair asked the Secretary-Treasurer, Mr. Alberic Marginet, if there were any additions to the agenda. The Secretary-Treasurer identified No additions.

iii. Declaration of Interest by a member for this meeting or at a meeting at which a member was not present.

1. The Chair asked the members of the Committee for any declarations of interest for the meeting, or any meeting at which a member was not present.

- a. Chair Robert Kitowski stated that he has a conflict of interest in D13-23-08 as the applicant is an employer of a family member and would be recusing himself from discussion and vote. Vice Chair Rickaby Would take over chairing the meeting during that portion of the meeting.

iv. Correspondence relating to applications before the Committee

The Chair asked if there was any new correspondence related to the applications before the Committee. The Secretary-Treasurer identified That there had been correspondence received regarding Edge corps application and WNHAC.

v. Adjournment Requests

The Chair asked if there were any Adjournment Requests. The Secretary-Treasurer reported that D07-23-02 was withdrawn.

vi. Consideration of Applications for Minor Variance

- i) D13-23-08

Chair Kitowski turned over the meeting over to Vice Chair Rickaby and left the meeting at 607 pm

The Vice Chair asked if the applicant or agent would be presenting the application.

Henry Wall, CAO – 20 King Street Dryden ON presented on the application.

The City Planner, Mr. Kevan Sumner, presented the Planning Report.

An application has been received for variance to Zoning By-law No. 101-2015 for the property located at 216 Matheson Street South. The intent of the application is to seek relief from section 3.23 of the by-law which requires a minimum of 28 parking spaces. The effect of approval would be to reduce the minimum number of required parking spaces by 7 spaces, to 21 parking spaces.

No concerns have been identified in the review of the application.

Mr. Sumner indicated that, as part of the circulation, no concerns were brought forward.

The Chair asked if the Applicant or the Agent had any questions or comments related to the Planning Report. No questions.

The Chair asked if any members of the public wished to speak in favour of the application. No members of the public spoken in favour of the application.

The Chair asked if any members of the public wished to speak in opposition of the application. No members of the public spoke in opposition of the application.

The Chair asked if any members of the Committee had questions or comments.

Member Jay Whetter asks if the 7 spaces at 310 Matheson are the same that were included in the application as last year and that nothing else has changed. Kevan Sumner confirms that it is.

Fahad Cadili - 34 Matheson Street S expands as part of the development they have secured guaranteed parking rental of seven spots

Member Robert Bulman asks where the 21 spots are located on the side of the building or under the building.

Henry Wall explains that the parking is on the side of the building.

The Chair asked the Secretary Treasurer to read out the draft decision:

That the application, D13-23-08 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.23 to reduce the required parking spaces from 28 to 21; meets the Four (4) Tests and should be approved, subject to the condition that one parking space be allocated to each residential unit within the building and formalized during site plan control.

Moved By: Member Robert Bulman Seconded By: Member Renee Roberts

In favour: 5 Opposed: 0 Abstained: 1

Carried

The Secretary-Treasurer indicated that the applicant received approval from the Committee, and identified the 20 day appeal period and stipulations that must be followed prior to the application being able to apply for a building permit after August 8, 2023.

Chair Kitowski rejoined the meeting at 625pm and resumed chairing the meeting.

ii) D13-23-10

The Chair asked if the applicant or agent would be presenting the application.

The presenter is Amy Scheffield, 58 Wellington Street, Sioux Lookout, ON.

The City Planner, Mr. Kevan Sumner, presented the Planning Report.

An application has been received for variance to Zoning By-law No. 101-2015 for the property located on an unaddressed property on the NE corner of the intersection of Chipman Street and First Street South (Figure 1). The intent of the application is to seek relief from Section 3.23.1, which requires a minimum of 61

parking spaces; Section 3.23.8, which requires that off-site parking be within 90 metres of the main entrance; and Section 47.3 (c), which requires a maximum building height of 11.0 metres in the General Commercial Zone.

The effect of approval will be to reduce the minimum parking requirements by 31 spaces and allow for a minimum of 30 parking spaces (19 on-site and 11 off-site); to increase the maximum permitted distance to off-site parking from 90 metres to 265 metres; allow off-site parking 265 metres from the main entrance; and to increase the maximum building height by 2.0 metres and allow a maximum building height of 13.0 metres.

No concerns have been identified in the review of the application.

Mr. Sumner indicated that, as part of the circulation, there were two comments were brought up economic growth and recovery gave their support and water and waste water noted that the sewer capacity would have to be reviewed prior to construction.

Late last week we had received a letter of opposition from a large neighbouring property owner. Formally request that the committee to defer the decision until they had a chance to try and work out their concerns with the property owner.

That the application, D13-23-10 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.23.1, to reduce the required parking spaces from 61 to 30; Section 3.23.8, to increase the maximum permitted distance to off-site parking from 90 metres to 265 metres; and Section 4.7.3(c) to increase the maximum building height from 11 metres to 13.0 metres, meets the four (4) tests and should be deferred to the August 15,23 meeting to give the two property owners a chance to work out their concerns.

The Chair asked if the Applicant or the Agent had any questions or comments related to the Planning Report. The agent mentioned that in the letter that was received there was an inaccurate statement that the parking areas are connected, which they are not and when WNHAC develops the property there will be a clear delineation of the space from the neighbouring property owners.

The Chair asked if any members of the public wished to speak in favour of the application. No members of the public spoken in favour of the application.

The Chair asked if any members of the public wished to speak in opposition of the application. No members of the public spoke in opposition of the application.

The Chair asked if any members of the Committee had questions or comments.

Vice Chair Tara Rickaby comments that the parkade where some city employees park and it is 230M away as well as city owned parking lots and that the neighbouring properties are free to continue discussions regards but she feels there is adequate area for them to park that is not on someone else's property.

Member Jay Whetter asked the applicant: So the 61 parking spaces are based on the cities formula, How many parking spots do you feel you need to operate?

Amy Sheffield replied that there would be enough parking spaces as requested with the application. The 19 spaces on site are more than adequate and the 11 off site will be efficiently used.

Member Jay Whetter asks do you that the 30 spaces will be sufficient for your needs?

Amy Sheffield replies, at this time and as things change that they will take advantage of on street parking or look at other options as they are committed that the 19 spaces are for client usage.

Member Keric Funk Comments that the public lot kitty corner to the building is only used at 50% of capacity as he knows as it is where he parks for work.

Chair Robert Kitowski asks – the 11 of site spots are they owned or leased

Amy Scheffield replies that it is a combination of owned and leased. 6 owned and 5 leased.

Chair Robert Kitowski asks how are they going to make sure that all of the overnight vehicles are off the lot before 930am, is a staff member going to move vehicle's or do they start their day prior to 930 am?

Amy Scheffield replies – they start earlier in the day as they need to get to their off site locations for clinics.

Chair Robert Kitowski asks -How are you going to insure that spots are going to be free for clients? Amy Scheffield is not comfort commenting for WNHAC ads this is not currently a situation that they have to deal with.

Chair Robert Kitowski asks the committee if they wish to defer this application or are ready to make a decision. The committee states that they are ready to make a decision.

The Chair asks the secretary treasurer to read the original draft decision:

That the application, D13-23-10 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.22.1, to reduce the required parking spaces from 61 to 30; Section 3.23.8, to increase the maximum permitted distance to off-site parking from 90 metres to 265 metres; and Section 4.7.3(c) to increase the maximum building height from 11 metres to 13.0 metres, should be defer to the August 15,2023 meeting of the planning committee to allow the the opportunity for the applicant and the adjoining property to find resolution to their parking concerns.

Motioned:

Second:

This motion did not receive any support.

The chair asked the committee to draft a new motion to proceed. Tara Rickaby suggested that the deferral is taken out of the decision.

The Chair asked the Secretary Treasurer to read out the new draft decision:

That the application, D13-23-10 to seek relief from the City of Kenora Zoning By-law 101-2015, Section 3.23.1, to reduce the required parking spaces from 61 to 30; Section 3.23.8, to increase the maximum permitted distance to off-site parking from 90 metres to 265 metres; and Section 4.7.3(c) to increase the maximum building height from 11 metres to 13.0 metres, meets the four (4) tests and should be approved.

Moved by: Vice Chair Tara Rickaby

Seconded by: Jay Whetter

In favour: 6

Opposed: 0

Abstained: 0

Carried

The Secretary-Treasurer indicated that the applicant received approval from the Committee and identified the appeal period of 20 days and stipulations that must be followed prior to the application being able to apply for a building permit after August 8, 2023.

vii. Recommendations to Council for Zoning By-law Amendment

i) D09-23-02 & D14-23-07

The Chair asked if the applicant or agent would be presenting the application.

Keith Merkel, Edge Corp Group – unit 1 428 Plessis Rd, Winnipeg, MB R2C 5R5

Susan Russell, McGowan Russell, 825 St Joseph Street, Winnipeg, MB R2H 3A8

Gave a presentation on their application.

The City Planner, Mr. Kevan Sumner, presented the Planning Report.

Applications have been received to amend the Official Plan designation of the subject property from Industrial Development Area to Residential Development Area and to change the zoning of the subject property from "HC" Highway Commercial Zone to "R3" Residential – Third Density Zone.

The purpose and effect of the Official Plan Amendment is to redesignate the subject lands from Industrial Area to Residential Development Area, to enable the corresponding zoning amendment.

The purpose and effect of the Zoning By-law Amendment is to rezone the subject lands from "HC" Highway Commercial Zone to "R3" Residential – Third Density Zone, to enable future residential development of the subject property.

The proposed zoning amendment was circulated for comment on June 27th, 2023. The following is a summary of comments received in response. Some agencies may not have had the opportunity to respond, due to the short timeframe for comments to be provided in advance of the Planning Advisory Committee meeting.

Building	No concerns
Community Services	No concerns
Engineering	No concerns
Economic Growth and Recovery	Economic Development is in full support of this Official Plan and By-Law Amendment. Housing and an available workforce are key factors negatively impacting local business. This development will go a long way to reducing the material housing shortage that the City faces. As a result, local business will benefit from this proposed development.
Fire and Emergency Services	No concerns
Land Acquisition & Development	No concerns
Roads	No concerns
Water / Wastewater	Studies will need to be undertaken by the developer to see if the nearby lift station can handle the additional sewer flows.
Hydro One	No concerns
Ministry of Natural Resources and Forestry	No known habitat or natural heritage features have been identified on this property and as such, are not recommending additional evaluation. If any wildlife features are identified, please advise the applicant to contact their office.

Niisaachewan Anishinaabe Nation

Our initial review of the application has indicated that the proposed redesignation of subject lands is within the vicinity of traditional use assets and introduces extensive new development that is likely to have negative impacts on our credibly asserted Inherent and Treaty rights. Cultural and traditional assets identified include, but are not necessarily limited to medicine harvesting, camping, fishing, and culturally significant sites. The lack of consultation on this file before reaching this stage of approval within the City of Kenora is deeply concerning, considering the potential impacts.

We are objecting to the proposed activity because of the potential impacts the proposed activity presents to our Inherent and Treaty Rights, our ability to exercise our culture and way of life, and because of our growing concerns over the cumulative impacts of unfettered development in our Territory. As Treaty #3 Nations, we are guided and bound to our sacred law, the Manito Aki Inakonigaawin, which requires consultation with our Elders and Knowledge Keepers to assess potential impacts, identify mitigation requirements, and establish ceremonial protocols. Any decision to proceed with the proposed activity without their conditional consent will be considered a violation of their sacred laws.

As the City Planner for the City of Kenora, it is my professional planning recommendation that the Planning Advisory Committee reviews the application for amendments to the Official Plan and Zoning By-law in consideration of its merits, evaluated against the policies of the Official Plan and Provincial Policy Statement, and provides a recommendation to Council based on these matters; with consideration for any additional comments that may be received prior to or during the public open house; and further, That the Planning Advisory Committee recommend to Council that they have considered the applications for Official Plan

Amendment and Zoning By-law Amendment, File Nos. D09-23-02 and D14-23-07, to change the Official Plan designation from Industrial Development Area to Residential Development Area and to change the zoning of the property from "HC" Highway Commercial Zone to "R3" Residential – Third Density Zone, and are unable to recommend approval at this time.

The Chair asked if the Applicant or the Agent had any questions or comments related to the Planning Report.

Keith Merkel addresses the committee about the city planner being unable to recommend approval at this time. He states that the committee can still recommend approval even with the concerns from the neighbouring first nation community. And states both the provincial and municipal comments on such. And as well that the first nation communities are further away that the required to be notified.

Chair Robert Kitowski reminds the applicants that the committee is not the ones that will approve or deny the application. The committee is there to make a recommendation to city council who will approve or deny the application.

The Chair asked if any members of the public wished to speak in favour of the application.

John Barr – 31 Rabbit Lake Rd Kenora, ON P9N 4L1

Mr. Barr asks if the notice in the Miner news of July 6 the change had being from Heavy industrial to Residential 3 and asks if the was an error. Kevan Sumner confirms that it was an error and thanks Mr. Barr for bringing it to their attention.

Mr. Barr States his support of the resolution as outlined in the note that he sent to the Planning Committee. He has raised his family on the 2.4 acres of land which is 370 meters east of the proposed development. He feels the property is no longer feasible as an agricultural endeavor and as a possibility it could be made and institutional facility, but he feels that it would be a location that would best serve for residential development and market housing. And on a personal level he would like to see the development will have improvements in lighting and sidewalks and improving the rabbit lake area. He finishes his presentation asking Keith Merkel if services such as road and sidewalk maintenance, landscaping and snowplowing will be part of the condo fees or something the city will have to take over. Mr. Merkel states that it will be part of the Condo fees and taken care of by the developers.

Jerimiah Kopp 602-32 Davenport Rd Toronto, ON M5R 0B5

Mr. Kopp introduces himself as part of the legal council for the proponent. And feels that this was the only place for him to add some comments. He was engaged by the proponent to help them understand some of the issues raised by the planning report and to help them determine what is legally permitted in the circumstances in regard to indigenous law. He reiterates what was said by Mr. Merkel as there was technical issues during his comments. He feels that the city planner recommendation to not

support the amendments was based only on the objections of the First Nation communities. He feels this amendment needs to achieve two goals 1. The economic development of the city of Kenora And addressing the housing concerns and 2. Respecting and accommodating the needs of the first nations communities. He also states that the words engagement and consultation were used interchangeably, and he stated these are two different terms and gave his definition of these terms. And that his client has fulfilled the required component for this. He says that the responsibility of the city and the applicant is to engage with the first nation communities. Which has been achieved. Also, the great earth law does not displace the provincial land use regime. It is the reason that most things before the committee refer to the planning act/ official plan and policy statement in their decisions. The requirement has been fulfilled by both the city and the applicant unlike what they are saying in their comments. What is being recommend to council is not like site plan approval that will need approval. The only thing that is being asked to change the designation of the property from Highway commercial to Residential third density zone.

Mr. Kopp asks if there any questions that the committee has that they would like clarifications of.

The Chair asked if any members of the public wished to speak in opposition of the application. No members of the public spoke in opposition.

The Chair asked if any members of the Committee had questions or comments.

Jay Whetter asks Kevan Sumner to reply to the comments to from Mr.Kopp. Mr. Sumner states that he is not qualified to give a legal opinion in this matter but states that he is not disputing any of the legal facts offered by Mr. Koop.

Tara Rickaby comments that the official plan in 2004 had the property designated as Highway Commercial and has been that for 20 years and there has not been any uptake on the property and agrees that residential is a great use for the property as it is in a good area for access to the variety of city services offered in Kenora. Vice chair Rickaby had asked the secretary treasurer to draft another version of the decision recommending the change in designation of the land with an included piece saying that there would be a satisfying out come to the first nations concern.

Chair Robert Kitowski asks Kevan sumner if the language used about not being unable to recommend was there as he wished to defer instead. Kevan Sumner states that there is an exceptional tight timeline that there has not been enough time to have consultation on the concerns. Kevan Sumner states that he hopes by the time of the council meeting that the developer or the First nations parties will have reported that they have settled the concerns.

Jay Whetter States that they committee does not know the identity of the letter writers as it is redacted when they receive them in their packets but know that they do know that it is John Barr he would like to address that in the last paragraph of the letter Mr. Barr asked that if this amendment is approved is it bound to the project.

Kevan Sumner informs the committee if for some reason this project did not go thru it would be open to any other project that wanted to work in the R3 designation.

Robert Bulman States that what we are really doing is switching the designation of the property to R3 from HC and not anything at this point about a specific project.

Vice Chair Tara Rickaby states she concurs with member Bulman about the change.

Chair Kitowski polls the committee on who would be in favour of hearing a positive recommendation for the decision. All members raise their hands.

The Chair asked the Secretary Treasurer to read out the draft decision:

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. D09-23-02, and Zoning By-law Amendment, File No. D14-23-07, for subject property located at 43 Rabbit Lake Road, and legally identified as PIN# 42171-0132.

The purpose of the Official Plan Amendment is to change the Official Plan designation of this property from Industrial Development Area to Residential Development Area. The purpose of the Zoning By-law Amendment is to change the current zoning of the subject property designated as "HC" – Highway Commercial Zone, to "R3" – Residential Third Density Zone.

The effect of the Official Plan Amendment and the Zoning By-law Amendment is to permit a multiple unit residential development to occur on the subject property.

Moved By: Vice Chair Tara Rickaby

Seconded By: Member Keric Funk

In favour: 6

Opposed:0

Abstained:0

Carried

The Secretary-Treasurer indicated that the applicant received approval from the Committee, and identified the appeal period and stipulations that must be followed prior to the application being able to apply for a building permit.

viii. Old Business

- No Old Business

ix. New Business

- i) The moving to hybrid meeting style for August Meeting And will be held at the operations center.
- ii) Chair Robert Kitowski has made a career change he has moved out of Kenora and his wife and family be joining him and selling his home in the near future he will need to resign from the Pac Committee both as chair and as a member. During the meeting in August the committee will have an election of new officers. The meeting will remain virtual for the August meeting.

ix. Adjournment

The Chair moved for adjournment. - Meeting Adjourned at 826pm.

DRAFT