



PROCEEDINGS

Of a Public Meeting to discuss an
Amendment to the Official Plan 2015

(Re: OPA2/16 – 200 Main Street South - Nickle)

Tuesday, April 5, 2016

City Council Chambers

At 11:00 a.m.

PRESENT:

Mayor D. Canfield
Councillor M. Goss
Councillor R. McMillan
Councillor L. Roussin
Councillor S. Smith
Karen Brown, CAO
Tara Rickaby, Planning Administrator
Melissa Shaw, Planning Assistant
Rick Perchuk, Manager of Operations
Heather Kasprick, City Clerk

Regrets:

Councillor D. Reynard
Councillor C. Wasacase

Mayor Canfield opened the meeting. This public meeting is being held by the City of Kenora Property and Planning Committee in accordance with Section 19 of the Planning Act to consider an amendment to the City of Kenora Official Plan 2015. The Council of the City of Kenora will make its decision at a meeting of Council.

Mayor Canfield advised that notice was given by publishing in the Daily Miner and News and on the City of Kenora portal 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. Ms. Kasprick advised the Notices pertaining to these public meetings were provided in accordance with Planning Act requirements.

Mayor Canfield advised that if anyone wishes to receive written notice of the adoption of these By-laws please leave their name and address with the Clerk.

Any person may attend the public meeting and/or make written or verbal representation either in support of or in opposition to the official plan amendment. If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Kenora before the Official Plan amendment is adopted, the person or public body is not entitled to appeal the decision of the City of Kenora to the Ontario Municipal

Board (OMB). If a person or public body does not make oral submissions at a public meeting, or make written submissions to the City of Kenora before the Official Plan amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the OMB unless, in the opinion of the Board, there are reasonable grounds to do so.

The proponent, or Agent, will provide details on the proposal, after which Nadia De Santi, Sr. Planner with MMM Group, will provide the background information and planning report.

The public will be given opportunity after to speak either for or against the application, and a record will be kept of all comments.

Mayor Canfield asked if there was anyone who wished to receive written notice of the adoption of the by-law, and if so, they were to leave their name and address with the Clerk. Lydia Eberhart/Lafreniere left her name and address with the Clerk.

The Agent (Randy Nickle) then provided details of the proposed amendment.

Mr. Nickle explained that he and his wife have been operating a movie store in one of the buildings and have been waiting for the right tenant to move into the building. In November they had a call from someone who was interested and they felt was the right fit for the building and the vision they had and what the business would add to Kenora. Their vision fit in very well for the downtown being revitalized. The conceptual drawings were provided by the new tenants. They plan to close the movie store and the new tenants have a perfect fit for the building and the vision of the downtown core. The planner's report supports the amendment. Mr. Nickle explained that he needs access onto Second Street for egress onto the property. He has a fair amount of concern in regards to the site plan control onto the property. Mr. Nickle would like clarification on site plan control sooner than later.

Nadia DeSanti, Senior Planner with MMM Group (on teleconference) noted before beginning that, the OPA, at the time of advertising was going to apply to all the lands in the Harbourtown Centre, but it was clarified and confirmed that the applicants were only seeking and OPA for their site only and is only site specific to 200 Main Street South.

The proposed Official Plan Amendment No. 2 is a site-specific amendment to the City of Kenora Official Plan (2015). The subject property is designated in the City of Kenora Official Plan, Council Adoption: May 19, 2015 – Ministerial Approval: November 5, 2015 (By-law 75-2015), (the "Official Plan") as Harbourtown Centre. The subject property is zoned in the City of Kenora Zoning By-law 101-2015, Adopted December 15, 2015 as General Commercial (GC). The proposed restaurant use is a permitted use in the Harbourtown Centre designation and in the GC zone.

There are two existing buildings on the site with a total of thirteen (13) parking spaces. The building on the east side of the property was used as a retail store and is currently being renovated to accommodate a new retail store. The building on the west side of the property is currently occupied by a retail store. It is proposed that the retail store space in the building on the west side of the subject property be converted into a restaurant with an outdoor patio.

planning and development. The PPS provides for appropriate development while protecting resources that are of provincial statement, public health and safety, as well as the quality of natural and built environment. There are several policies that apply to this proposed development. Policy 1.1.1 states that healthy, liveable and safe communities are sustained by:

- Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long-term (Policy 1.1.1 a); and
- avoiding development and land use patterns which may cause environmental or public health and safety concerns (Policy 1.1.1 c).

Settlement areas are the focus of growth and development. Policy 1.1.3 states that the "vitality of settlement areas is critical to the long-term economic prosperity of our communities." Section 1.3 of the PPS contains policies pertaining to employment uses and economic development. Policy 1.3.1 (b) states that planning authorities shall promote competitiveness and economic development by "providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses."

1. City of Kenora Official Plan, Council Adoption May 19, 2015 (MMAH Approved November 5, 2015)

Section 1.4 of the Official Plan describes the settlement area in Kenora as consisting of numerous land use designations, including the Harbourtown Centre. The subject property is designated Harbourtown Centre in the Official Plan and is therefore in a settlement area.

Section 2.2 of the Official Plan contains several guiding principles and objectives that are applicable to this site and the proposed development. Principle 1 – Sustainable Development states that "Kenora shall promote sustainable development to enhance the quality of life for present and future generations." An objective to implement this principle is to "promote compact development by using land and existing infrastructure efficiently." A second objective is to "support infill and intensification in built-up areas (e.g. Harbourtown Centre) where services exist.

In addition, Principle 4 – Diversified Economy states that "Kenora shall maintain and seek opportunities for a strong, diversified economy that provides a wide range of employment opportunities for its residents, including youth, to withstand global market conditions and provide financial stability." Some of the objectives to achieve this include supporting businesses and attracting a diverse range of new employment opportunities for new and existing residents and to promote a diversified economy in the urban area of the City.

In keeping with the Tourist Destination Principle in Section 2.2.5 in the Official Plan, the City "shall continue to expand its role as an urban, cultural service centre and tourist destination, providing services to the travelling public and residents of the area." One of the objectives include the provision of opportunities to "enhance the Harbourtown Centre and the downtown as a destination for visitors....development standards that support more walkable and bikeable streetscapes and bike parking facilities."

Furthermore, Principle 9 – Community and Aboriginal Engagement states the inclusivity of all people and backgrounds to participate by ensuring that all have appropriate and adequate opportunities to participate in planning processes.

Section 3.4.1 contains a list of urban design principles that should be considered in

reviewing development proposals in the Harbourtown Centre Designation. The following urban design principles are considered in reviewing the Official Plan Amendment application:

- establish a built form that evolves through architectural style and innovation;
- enhance and enliven the quality, character and spatial delineation of public spaces, including streets;
- be visible and safe;
- accommodate the needs of a range of people, including children seniors, and people with disabilities;
- achieve a more compact form over time; and
- achieve compatibility with existing uses.

Land use compatibility is addressed in Section 3.15 of the Official Plan. When a change in land use is proposed, consideration shall be given to the effect of the proposed use on existing land uses. Any potential compatibility concerns shall be mitigated through site plan requirements. The criteria to assess compatibility are found in Section 3.15.5 of the Official Plan. The proposed development is to reuse an existing building and convert it from the existing retail store use to a restaurant use with an outdoor patio. It is understood that the existing building footprint would remain, but an outdoor patio would be introduced on the site. Therefore, there are 3 criterion that need to be considered which include:

- parking: adequate on-site parking must be provided, with minimal impact on adjacent uses;
- loading and service areas: the operational and visual appearance of loading and services areas (including garbage) must be designed to mitigate adverse effects on adjacent properties;
- vehicular access: the location and orientation of vehicular access must take into account impact on adjacent properties.

The subject property is designated Harbourtown Centre, which is a designation for the City's downtown and is considered to "be an extremely important component of the commercial and recreational land use system of the City of Kenora." Commercial uses are permitted. Section 4.3.2 contains the objectives for the Harbourtown Centre land use designation. These include the: recognition and the support for commercial activities and functions in the Harbourtown Centre area by providing a wide range of services; promotion of the area as a regional commercial centre; reinforcement of the Harbourtown Centre as a vibrant and vigorous commercial area offering a full, balance and diversified commercial land use mix. In addition, the policy objectives refer to the unique sense of place and human scale derived from the heritage streetscapes and pedestrian-oriented characteristics of the Harbourtown Centre; the long-term revitalization and strengthening of the area; to support the development of services and facilities that may attract and support tourism; and to ensure that the area continues to be adequately serviced by the public transit system.

A separate Section 4.3.4 provides parking policies specific to the Harbourtown Centre area. Vehicular parking for employees, residents, customers, clients and visitors is an important factor in maintaining the commercial health and vitality of the Harbourtown Centre. The policies recognize off-street parking, public and private parking areas, and Policy 4.3.4 (d)

which is the subject of the Official Plan Amendment No. OPA2/16. The policy reads as follows:

"The change of use of existing structures from any use to any permitted use other than residential shall not require the provision of additional parking....The number of parking stall shall not be reduced following a change of use, unless the existing supply of parking spaces exceeds the requirement for the new use." The Official Plan Amendment application is to waive this requirement for the subject property.

While the subject property has two existing buildings, one of which was a retail store and is currently being renovated for a new retail store, the second building is currently being used as a retail store and is proposed to change the use to a restaurant and an outdoor patio. There are existing 13 parking spaces. The proposed development would decrease the number of parking spaces from 13 to 7 or 6 spaces, which would be confirmed during the final site design.

Section 4.3.6 of the Official Plan states that a Community Improvement Plan has been adopted for the Harbourtown Centre.

2. Harbourtown Centre Community Improvement Plan (CIP)

The Harbourtown Centre CIP was adopted in 2007 and in 2012. The CIP has been prepared with the intention of attracting and supporting the rehabilitation and revitalization of private lands and buildings in downtown Kenora. The subject property is located in the CIP project area. Section 4.0 of the CIP contains the following objectives:

- To encourage the continued vitality and economic viability of the commercial core;
- To stimulate new investment in public and private lands;
- To reinforce the commercial core as a focus for the community; and
- To provide incentives for rehabilitation of the downtown core...as an attractive destination for shopping, dining and sightseeing.

The applicant has submitted an application for façade improvements to the renovations underway for the east building. At the time of this planning report, an application under the CIP program has not been submitted for the west building.

3. Economic Development Plan

The City's Economic Development Plan has three specific and key goals. One of these goals is for job retention and creation, particularly in the tourism and commercial sectors among others. The Plan includes a strategic action to revitalize the downtown and turn it into a destination for residents, tourists, and seasonal residents.

Planning Analysis

The proposed Official Plan Amendment No. OPA 2/16 is a site-specific amendment for the subject property which is designated as Harbourtown Centre in the Official Plan. The requested amendment is to waive Section 4.3.4, policy (d) which states that "The number of parking stalls shall not be reduced following a change of use, unless the existing supply of parking spaces exceeds the requirement for the new use."

Waiving this policy would allow the number of parking stalls (spaces) to be reduced on the

subject property as a result of a change of use from a retail store to a restaurant use with an outdoor patio from the existing 13 spaces to 6 or 7 spaces. The final number of parking spaces will be confirmed during the final site design for the restaurant and outdoor patio. Section 3.23 of the City's Zoning By-law contains the minimum parking space requirements for permitted uses. The minimum number of parking spaces required for a retail store is 3.4 per 100 m² of gross leasable floor area. The minimum number of parking spaces required for a restaurant is 10 per 100 m² of gross floor area.

According to the landowner's application submission, there are 13 existing parking spaces. Based on the City's Zoning By-law requirements for parking, the ultimate redevelopment of the subject property to include a retail store and the proposed restaurant use would require 22 parking spaces.

The proposed site-specific Official Plan Amendment is in keeping with the City's goal to revitalize its downtown – its Harbourtown Centre and to ensure that its economy is diversified and supportive for businesses and private sector reinvestment. The subject property is at a key location in close proximity to the Harbourfront which is a key destination point for residents, seasonal residents and tourists.

The proposed development is subject to Site Plan Control as per Section 8.4 of the Official Plan. A Site Plan Control application would need to be submitted and a Site Plan Agreement be entered into between the landowner and the City in order to implement the proposed development. Architectural elements, urban design details including the site layout, form and function would be addressed through this subsequent development approval process.

The proposed Official Plan Amendment is consistent with the 2014 Provincial Policy Statement. The proposed Official Plan Amendment generally meets the intent of the Official Plan. The proposed Official Plan Amendment represents good planning and is in the public interest.

Details of the Amendment

The City of Kenora's Official Plan would be amended as follows:

Item 1: That a new policy (e) be added to Section 4.3.4 – Parking in the Official Plan to read as follows:

"Notwithstanding any other policy in this Official Plan, Section 4.3.4, policy (d) shall not apply to lands municipally known as 200 Main Street South."

The Notice of Complete Application and Statutory Public Meeting was posted on the City's portal at www.kenora.ca on March 15, 2016. Notification via email and mail was sent to the required external agencies on March 15, 2016. Notification was sent to property owners within 120 m of the subject property on March 15, 2016.

City of Kenora Planning Advisory Committee

The City of Kenora Planning Advisory Committee (PAC) has been included in the informational session and consulted. There were no objections to the Official Plan Amendment received. At the regular PAC meeting held on March 15, 2016, the members of PAC carried a Motion for the Committee of the Whole to recommend OPA 2/16 to Council for approval, as it related to the Official Plan and the Lake of the Woods

Development Commission's Strategic Plan. The recommendation is in keeping with the spirit of the development of the Kenora Harbortown Centre, and will allow 200 Main Street to be developed to its highest potential.

Comments:

Public:

At the time of Ms. De Santi's initial planning report being prepared, no public comments were received. However, since that time, two letters were received. One letter was submitted by a numbered company and it was addressed to the Mayor & Council and requested that 809476 Ontario Inc. be involved with interested parties that intend to look at options to relocate some of 200 Main Street South parking and pedestrian traffic and vehicle traffic to Main street, Second Street South and Water street. They requested that they be involved in consultation with stakeholders in the proposed by-law amendment and downtown city traffic changes.

The second letter was received from Lydia Eberheart/Lafreniere. She outlines the following:

The aerial photograph provided by the city, shows my land and house with its own parking of four (4) spaces, plus two (2) metered parking spaces in front. In addition, I am renting two (2) parking spaces from the Kenora Fellowship Centre which is located next door and shown on the aerial photograph. That is a total of eight (8) parking spaces available for my location alone.

The Courthouse is located next to the Kenora Fellowship Centre, and is also shown on the aerial photograph. When Court is in session only street parking is available, and every space is taken with people squeezing their vehicles into spaces where there is no parking. For example:

- (a) in front of my property, a 3rd vehicle will squeeze in next to the two vehicles already in the angled metered parking spaces, thereby inhibiting the entrance/exit to my own parking lot;
- (b) In front of Kenora Fellowship Centre by the fire hydrant;
- (c) In the fire-lane of St. Alban's Cathedral.

The address of St. Alban's Cathedral is 312 Main Street South. Its fire-lane access is from both Main St. S. and Water St. Many times its representatives have complained because courthouse attendees park in the church's fire-lane.

Further down Water Street is the O.P.P. station. Its police cruisers drive up and down Water Street, as well as the officers going to and from work. Anyone attending at the O.P.P. station requires street parking.

Situated at the end of the street are The Grace Anne and the public docks which always need public parking.

On the other side of 204 Water Street is a parking lot owned by River Air. During the winter months this parking lot is rented by Shewchuk, MacDonell, Ormiston, Richard LLP for its staff parking. During the rest of the year it is designated parking for River Air's staff, clientele and flying school students.

When driving, one must slowly approach Water Street from Second Street:

- (a) careful to yield to traffic driving up from the Harbourfront parking lot onto Second Street;
- (b) careful to yield to traffic driving up and around the corner of Water Street toward the intersection of Main and Second Street;
- (c) careful to yield to pedestrians walking in the middle of Water St. from the Kenora Fellowship Centre;
- (d) careful to yield to pedestrians attending the courthouse and church who are also walking in the street.

There is a sidewalk on one side of the street. It begins on the edge of my property at 204 Water Street and continues down toward the O.P.P. station.

Water Street itself is basically one lane as it transitions off Second Street. The corner is narrow, allowing for only one vehicle at a time. There are no sidewalks on either side.

This is where the proposed restaurant is to be located on the narrow, one-lane, no sidewalk, high-traffic (vehicle and pedestrian) corner of Water Street. From a parking perspective where are the patrons, as well as employees of the restaurant supposed to park?

The City of Kenora has parking regulations in place for good reasons. It was the fore-sight that implemented section 4.3.4 in the Official Plan of Harbourn Centre. Should the proposed restaurant be allowed to reduce its parking spaces it will further burden the parking challenges of Water Street.

The safety component of the plan requires serious evaluation regarding the entrance and exit for both vehicles and people to the proposed restaurant. Again, it would be on the corner of Water Street which is narrow, basically one-lane, sidewalk-less, and a high-traffic corner.

From her own business perspective:

The Cornerstone Restaurant employees haul restaurant garbage to the two (2) dumpsters located in River Air's parking lot. It frequently overflows with unsightly, aroma rich, garbage before it is picked up. Where will the proposed restaurant dispose of its garbage?

There is a residential building behind the proposed restaurant, and I operate a vacation rental business right across the street. Our guests and residents are affected by the garbage that is there now, how much worse will it become? In addition, how will an outdoor restaurant (with bar?) affect the quiet enjoyment of our guests and residents?

City Departments Comments:

- The City's Chief Building Official provided comments on March 17, 2016 to the City of Kenora's Planning Department that a scaled site plan be submitted at the time of a Site Plan Control application is submitted to the City. Site details will need to be provided on the site plan including barrier-free requirements, number of washrooms, etc. A Building Permit cannot be issued unless there is an approved Site Plan.

- The City's Water and Sewer Supervisor had no concerns.
- The City's Roads Supervisor did not grant an entrance permit. His comments were that "Details of access/egress and parking will be addressed during the Site Plan Control application process"

External Agencies Comments:

1. No comments were received at the time of the report, however, the MMAH, Sylvie Oulton, Planner, indicated by email on April 1, 2016 that there is no provincial interest.

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

The Mayor then asked if there was anyone, other than the Applicant, who wishes to speak in favour of the draft document(s). There were no other comments.

The Mayor asked if there was anyone who wishes to speak in opposition of the draft document(s). Lydia Eberhart/Lafreniere requested Council to read the letter she submitted.

Mayor Canfield asked if there were any questions.

Councillor Smith questioned the parking on Water Street. We have talked about an improvement plan for that area and what it looks like. Karen advised that there is a developed plan for that intersection but it is not in the budget.

The Planning Administrator reminded Council that they are here to make a decision on policy it's not technical. The technical issues will be reviewed by staff when an application for site plan agreement is receive on how traffic works and does work. What Council is being asked to consider today is a policy only.

Councillor Roussin clarified that what they are talking about is the reduction in parking spots. There is already precedence set in dealing with restaurants and retail where there is no parking requirement. Councillor Roussin expressed, that personally, this process would have scared him off with all the things Mr. Nickle has had to go through when uses are already allowed through general commercial. This was an awful lot of work to a property owner to make his property more viable and appealing in the downtown.

Mayor Canfield commented that the Ontario Planning Act requires an Official Plan amendment.

As there was no further questions, Mayor Canfield declared this public meeting CLOSED at 11:40 a.m.