



A G E N D A

for a Public Meeting
to discuss a Proposed Zoning By-law Amendment
(Re: D14-17-02 65 Goss Road)
Tuesday, March 7, 2017
10:00 a.m.

1. (Chair)

This public meeting is being held by the City of Kenora in accordance with Section 34 of the *Planning Act* to consider various amendments to the City of Kenora Comprehensive Zoning By-law Number 101-2015, as amended.

2. (Chair)

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.

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

An appeal may be made to Ontario Municipal Board 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 by filing a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee prescribed under the Ontario Municipal Board Act, with the City Clerk.

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 has a cell phone please either turn it off or use the vibrate option only. Thank you.

3. (Chair)

The applicant (or representative) will present their application.

4. (Chair)

City Planner, Devon McCloskey, please describe the details of this zoning amendment application.

5. (Chair)

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

6. (Chair)

Is there anyone who wishes to speak in favour of the amendment?

7. (Chair)

Is there anyone who wishes to speak in opposition of the amendment?

8. (Chair)

Are there any questions?

9. (Chair)

As there are no (further) questions, I declare this public meeting CLOSED at _____
a.m.

February 28, 2017

City Council Committee Report

To: Mayor and Council

Fr: Devon McCloskey, City Planner

Re: Application for Zoning Bylaw Amendment – 65 Goss Road

Recommendation:

As the Planner for the City of Kenora, it is my recommendation that following a Public Meeting to hear submissions and public comments in regard to the Application for Zoning By-law Amendment, File No. D14-17-02 for property located at 65 Goss Road;

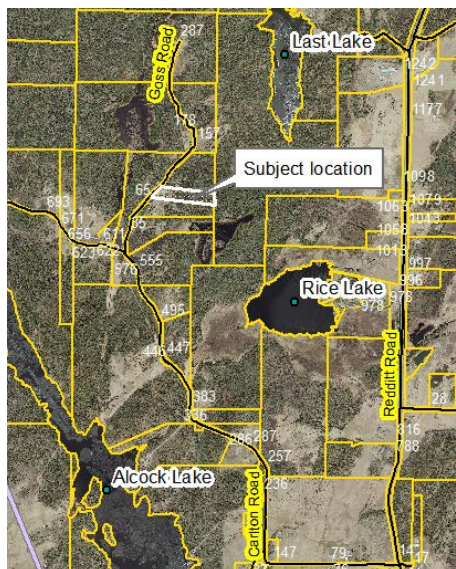
That the Committee of a Whole accepts the recommendation of the Kenora Planning Advisory Committee, and further;

That the committee provides a recommendation to Council to defer consideration of approval, until the PAC is able to give favourable consideration at a meeting where formative comments as to the site suitability of the property, to accommodate services for sewage disposal and water, is received from the Northwestern Health Unit, and a surveyor’s report showing the existing garage is provided, to specify the frontage of the proposed new lot.

File No.: D14-17-02

Applicants: Darren & Amanda Whitta

1. Introduction



An application for zoning by-law amendment is proposed to include “Commercial Storage Facility” as a permitted use for the northern part of the subject lot and a reduced frontage of 80 metres, in addition to the permitted uses of the Rural (‘RU’) Zone. Approval would enable consideration of an application for consent to sever, having the effect of creating 1 new lot for uses permitted in the RU zone and a Commercial Storage Facility.

Figure 1 – Aerial sketch displaying zone boundaries

2. Description of Proposal

To enable property specifically indicated on the sketch in page 1 to be rezoned to allow for use of the property for a commercial storage facility, more specifically known as 'self-storage'.

Whereas the list of permitted uses contained in the Rural Zone ('RU') does not include commercial storage, approval of a site specific provision would allow for commercial storage defined as:

Commercial Storage Facility

Premises where individual enclosed areas are made available to the public for keeping or storing goods or commodities, but does not include any hazardous material or fuel storage.

The property is located at 65 Goss Road, described as Parts 2, 6, 7, 8, 9 & 10 of Plan 23R-10516. Refer to figure 1 page 1 for mapping of the property.

While the self-storage facility is already developed and deemed non-conforming, any further applications, are required to consider this aspect and whether the use may become further non-conforming where an application for severance is proposing to capture the use within a single lot with less than the minimum frontage required.

3. Existing Conditions

The property is fronting on Goss Road. It is developed with a single-detached dwelling, a large garage/barn, and three (3) separate self-storage buildings with individual units. Driveway access is currently provided to both sides of the lot.

The dwelling is serviced with private septic and a well, hydro service is extended from the house service to the garage.

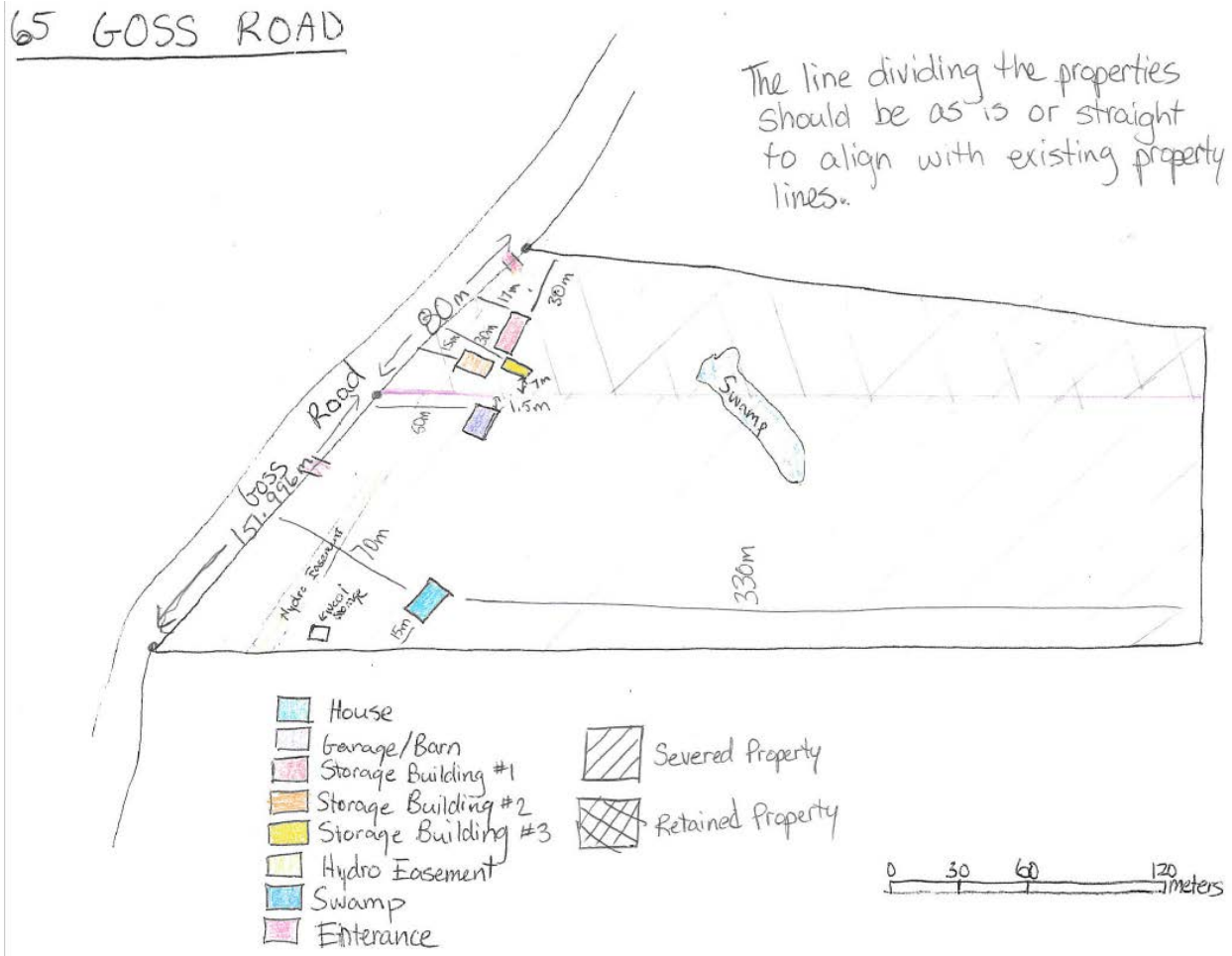
Dimensions of the property are as follows:

Frontage: 231 metres
Depth: 504 metres
Area: 6.308 hectares

Existing development on the property is non-conforming, since commercial storage is not a permitted use. The applicants explained that they received building permits for the development, however were told that there was an error made by the Building Department who issued the permits. In order to be able to consider a subsequent application for consent to sever, consideration of the permitted use and lot dimensions is required first.

For a depiction of the severance to be proposed, please see Figure 2 on page 3.

Figure 2 – Consent Application Sketch



4. Site Visit

A site visit was conducted on February 17th, 2017, where I attended the property to view the existing development and proposed lot frontage for lot creation.

Photo 1 – Showing the single detached dwelling located at the southwest side of the property



Photo 2 – Showing the driveway entrance to the house (at right not in view) and garage, with a view of the storage buildings beyond



Photo 2 – View of the northeast side of the storage buildings



Photo 3 – View of the northwest facing side of the storage buildings



Photo 4 – View of the proposed lot line, being the area between the garage and storage buildings



Photo 5 - View of the property entrance to the storage buildings from Goss Road (south bound)



5. Consistency with Legislated Policy and City Directives

a) Provincial Policy Statement (2014)

The applicant has identified that the application is consistent with several policies, and following are noteworthy:

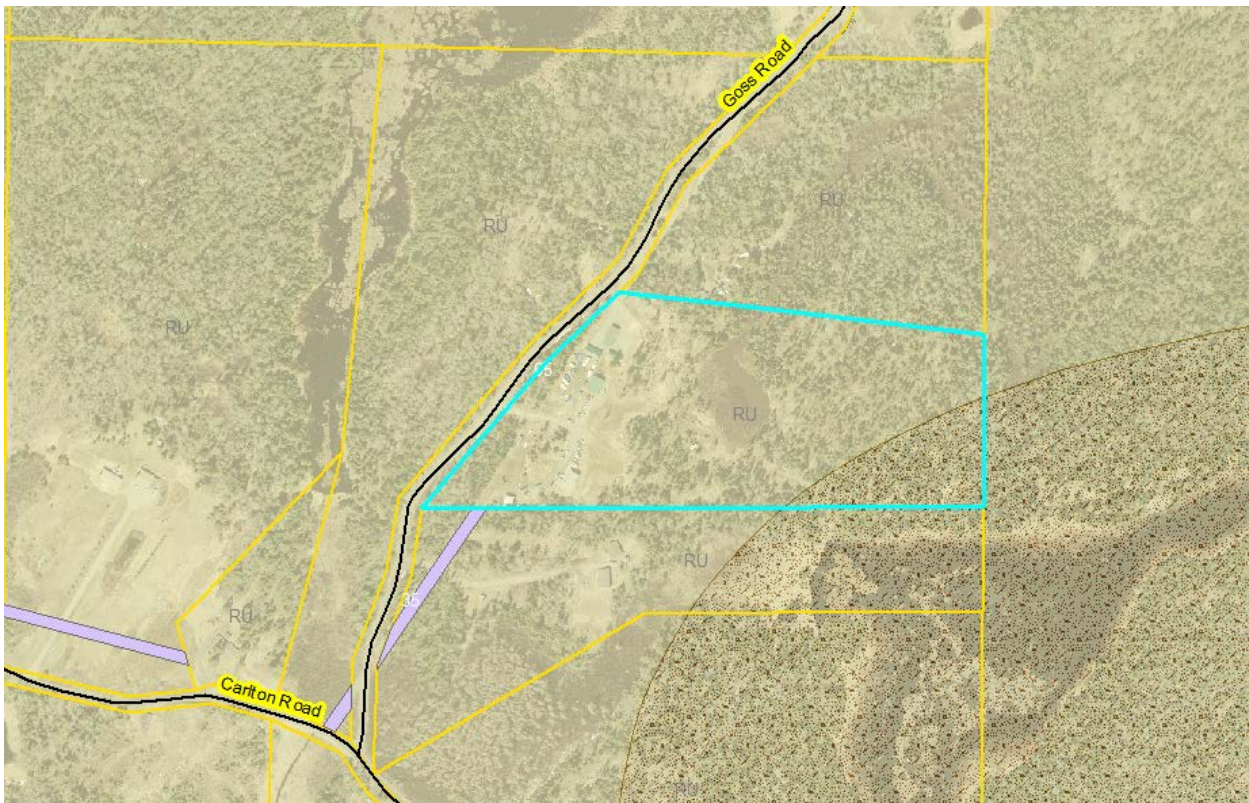
Policy 1.1.1.5.2 *on rural lands located in municipalities, permitted uses are: b) resource-based recreational uses; c) limited residential development.*

Policy 1.1.4 *Rural areas in Municipalities: a) building upon rural character, and leveraging rural amenities and assets.*

Policy 1.1.5.4 *Development that is compatible with the rural landscape and can be sustained by rural services should be promoted.*

Policy 1.1.5.3 *Recreational, tourism and other economic opportunities should be promoted.*

b) City of Kenora Official Plan (2015)



The Land Use Designation of the property is Rural 'RU' and subject to the Special Policy Overlay 'Potential Aggregate Area'.

The following policies with particular relevance are extracted

4.8 Rural Area

Rural Areas include a variety of agricultural, residential, industrial, commercial, recreational, tourism and open space uses. Over the lifetime of this Plan the Rural Areas may experience limited change.

Small-scale commercial and industrial uses shall be permitted - Policy 4.8.1

4.8.3 Residential Development in the Rural Area

- a) Residential development shall be restricted to single-detached dwellings on relatively large lots serviced by private water and sewage;*
- b) Development proposals shall be limited in scale and shall not detract from the planned role and function of the settlement area; and*
- c) Development shall preserve rural character and the scenic quality of the rural landscape and shall avoid densities more appropriately found in the settlement area.*

4.8.4 Small-Scale Uses in the Rural Area

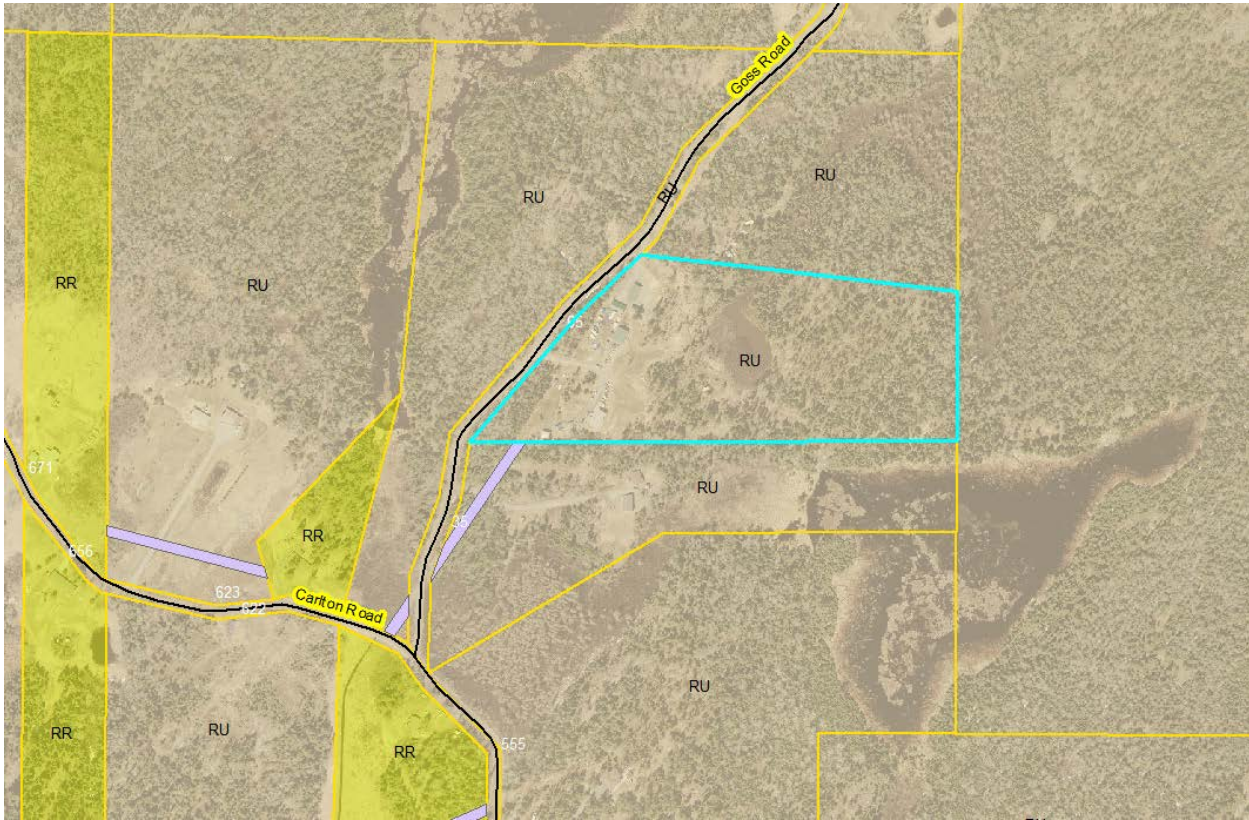
- a) Small-scale commercial and industrial uses that meet the needs of the rural community may be permitted by an amendment to the Zoning By-law provided that those uses are compatible with adjacent uses.*
- b) Rural commercial uses permitted shall be restricted to those which serve the needs of the rural economy. General examples of such uses include but are not limited to: small convenience stores, farm machinery sales and service outlets, bed and breakfast establishments, farm vacation establishments, animal shelters, kennels and riding stables.*

4.8.5 Industrial Uses in the Rural Area

- a) The primary intent of the City is to encourage industrial use in areas designated Industrial, however certain types of industry have historically been located in Rural Areas and should continue to be allowed to do so. Not only are certain industries acceptable in the Rural Area, they are important to the rural economy. Industrial uses shall be permitted in the Rural Area, subject to the policies of this section and provided that they are not offensive or create a nuisance as a result of noise, hours of operation, odour, traffic generation, air emissions or other means.*
- b) Other industrial uses shall be permitted in the Rural Area designation. Such industrial uses established should preferably be small business, either directly related to the rural uses of the land, or mainly of a service nature and in either case with a predominantly local sphere of operation. Other permitted industries may include those requiring large amounts of land, primarily for storage purposes and/or those which are definitely incompatible with urban-type developments or industrial parks. All industrial uses must obtain the appropriate regulatory approvals.*
- c) These small-scale industrial uses shall not be a nuisance or detriment to the rural environment by way of noise, dust, smoke, traffic, pollution, etc. Examples of permitted home industries include carpentry shops, metal work shops, plumbing, electrical shops, small engine repair shops, farm machinery repair shops, storage buildings for school buses, snowmobiles, trailers, boats and farm machinery, storage buildings, farm equipment sales and other heavy equipment sales.*

The property is also subject to the provisions of the Special Policy Overlays, Policy 5.5 Aggregate and Mineral Resources. Since development of the lot is already established, the request for rezoning would not further preclude the establishment of new operations or access to the resources as noted in Policy 5.5.1

c) Zoning By-law No. 101-2015



The subject property is zoned Rural 'RU', and subject to the regulations of Section 4.12. *This Zone allows for the production of farm produce as well as recreational and other compatible uses, as well as limited development of low density single-detached, seasonal or permanent housing compatible uses in a rural setting.*

Permitted uses within the zone that may be comparable to the use of a 'commercial storage facility' currently includes agricultural use, contractor service, food processing plant, marina, kennel, and open storage.

Whereas the zoning by-law does not currently allow for commercial storage facilities, and regulates a minimum lot frontage of 90 metres with a minimum lot area of 2 hectares, the application is proposed to allow for the use and receive relief from the regulated lot frontage requirement.

If approved the property would be eligible for an application for severance. All other regulations and requirements of the zoning by-law would be met for the lot dimensions and building locations.

6. Results of Interdepartmental and Agency Circulation

Departments and Agencies Circulated	Comments Received
Municipal Engineer	No concerns or comments – February 3/17
Building Department	The Building department has no comment regarding a Commercial Storage Facility being included as a permitted use for the subject property. It is noted that contrary to the application (concurrent applications), the consent application will be reviewed at a later date – February 8/17
Roads Department	As we discussed, since the status quo of the entrances remain unchanged. Roads department has no concern – February 16/17
Water & Wastewater Department	W/ww does not have any concern – February 3/17
Kenora Hydro	No concerns – February 7/17
Kenora Fire & Emergency Services	Kenora Fire has no issue with this Zoning By-Law change – February 4/17
Northwestern Health Unit	Hasn't been able to attend the property, has concerns with the reduced frontage and terrain, will not be able to provide comments until the snow clears – February 15/17
Ministry of Natural Resources	The Kenora District of the Ministry of Natural Resources and Forestry has reviewed the package provided. The Ministry understands that this application will correct the current non-conforming use and enable the applicant to potentially expand the business as well as sever the portion of the property encompassing the residence. The proposed severance poses a low risk to fish and wildlife features, therefore the Ministry of Natural Resources and Forestry has no concerns with this application at this time – February 15/17

7. Public Comments

A public meeting is scheduled to be held by Council on March 7th, 2017. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on February 9th to property owners within 120 metres, published in the Municipal Memo of the Newspaper on February 9th, and circulated to persons and public bodies as legislated. Together with staff, Council will have the opportunity to evaluate the proposal in lieu of public comments.

The notice also stated that the Planning Advisory Committee would have the opportunity to consider recommendation of the application to Council at their meeting on February 21st, 2017, and welcomed the public to attend the meeting.

No public comments have been received as of the date of this report.

8. Planning Advisory Committee Recommendation

Amanda Whitta presented the application to the PAC and there were no members of the public in attendance. The Committee discussed the application and recommendation at length, and concern were raised with regard to servicing, as well as not knowing just exactly where the existing garage is positioned on the lot. Without a survey it cannot be known what the dimensions of the lot frontage are; whether the lot line would be truly 80 metres, and that the garage may encumber the lot line.

The PAC resolved to recommend that the Council of the Corporation of the City of Kenora defer a decision on the proposed zoning by-law amendment D14-17-02, to a later date, dependent on snow coverage and the comments received from the Northwestern Health Unit as to the suitability for the property to accommodate services for sewage disposal and water, and allow the Applicant/Owner the opportunity to obtain a surveyors sketch.

Please refer to the minutes of their meeting attached to this report for details of the discussion. The staff report provided to the PAC is also attached, however it is very similar to this report provided to Council, only improved and updated to reflect the outcome of the PAC meeting.

9. Evaluation

Since the ultimate effect of an approval of the application for zoning by-law amendment will be the submission of an application for consent to sever. It is important to consider whether the lot is suitable and independently able to accommodate on-site sewage disposal and water supply.

The applicants have explained that they wish to retain the lands currently occupied by the storage buildings and transfer the part of the lot occupied the house and garage, so that they can continue to operate the storage facility. Whereas the owners previously lived in the dwelling and operated the storage business, they have since moved, but still operate the storage facility.

The rural zone policies support the use of small scale commercial and industrial facilities, and does not require these uses to be associated with any other principles uses. All of those uses listed as permitted uses are able to operate as 'stand-alone' facilities.

Per the Policy of the Official Plan 4.8.4 and 4.8.5, small scale commercial and industrial businesses that are related to the rural uses of the land, or mainly of a service nature with a local sphere of operation, shall be permitted in the Rural designation, provided that those uses are compatible with adjacent uses and would not pose a nuisance.

The Northwestern Health Unit explained that the ability for the lot to be serviced with adequate sewage disposal and potable water is not certain, and cannot be verified until the snow is gone and the Inspector is able to view the property. Given the site characteristics, such as undulating terrain that quickly slopes into wet areas, along with the reduction in lot frontage, concern for the ability of the lot to be proposed, to accommodate these facilities is questionable, therefore it was recommended that the Planning Advisory Committee, and now Council, not give favorable consideration or approval to the application until the Northwestern Health Unit is able to provide comments in support of the application. Their effect of their comments may change the

ability for the lot to be severed, or for the proposed dimensions of the lot (i.e. frontage) to change.



Devon McCloskey, RPP, MCIP
City Planner

Attachments

- Complete Application for Zoning By-law Amendment
- Planning Rationale
- Staff Report to the PAC, dated February 2017
- Notice of Application and Public Meeting
- Draft Minutes of the PAC Meeting

Budget:

Risk Analysis: *Identify any perceived risk(s) to the recommendation and describe how the City will treat the risk (avoid, mitigate, transfer, accept, pursue)*

Communication Plan/Notice By-law Requirements:

Strategic Plan or other Guiding Document:



Corporation of the City Of Kenora
Notice of Complete Application and Public Meeting for a
Zoning By-law Amendment, File Number D14-17-02
Planning Act, R.S.O 1990, c.P13, s. 34

Have
Your Say!

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, March 7th, 2017 at 10:00 a.m.
Location: Council Chambers, City Hall, 1 Main Street South, Kenora, ON

The Council of the Corporation of the City of Kenora will then have the opportunity to consider a decision regarding the application at their regular meeting on March 21st, 2017.

You are also invited to attend The Kenora Planning Advisory Committee (PAC) regular meeting, who will hear the application and consider a recommendation to Council, at the following time and location:

PAC Meeting

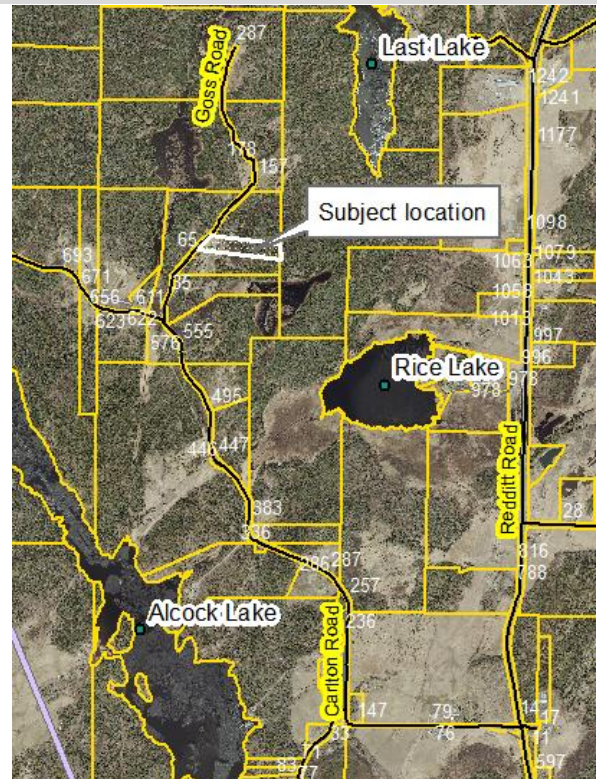
When: February 21st, 2017 at 7:00 p.m.
Location: Training Room, Operations Centre
60 Fourteenth Street North, 2nd Floor, Kenora, ON

Purpose and Effect: To include "Commercial Storage Facility" as a permitted use for the northern part of the subject lot and a reduced frontage of 80 metres, in addition to the permitted uses of the Rural ('RU') Zone. Approval would enable consideration of an application for consent to sever, having the effect of creating 1 new lot for uses permitted in the RU zone and a Commercial Storage Facility.

Location of Property: 65 Goss Road, described as Parts 2, 6, 7, 8, 9 & 10 of Plan 23R-10516. Refer to the map aside.

Other Applications: it is anticipated that an application for Consent to sever will also be submitted for the subject location.

Public Meeting: Input on the proposed amendment is encouraged. You can provide input by speaking at this meeting and you not required to register in advance to speak. You may also provide your comments in writing. If you are aware of any person interested in or affected by the application who has not received a copy of this notice you are requested to inform that person of this meeting.



Written submissions are requested to be made on or before, February 21st, 2017 and directed to:

Ms. Devon McCloskey, MCIP, RPP, City Planner,
60 Fourteenth Street North, 2nd Floor, Kenora, ON P9N 3X2
Email: dmccloskey@kenora.ca

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:

- 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 Ontario Municipal Board.
- the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, 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 Kasprick, 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 Devon McCloskey, City Planner, if you require more information: Tel: 807-467-2059 or Email: dmccloskey@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 9th day of February, 2017