

**Meeting Minutes
City of Kenora Planning Advisory Committee
Regular Meeting held in the Operations Centre Building
60 Fourteenth St. N., 2nd Floor – Training Room
July 17, 2018
6:00pm**

Present:

Wayne Gauld	Chair
Robert Kitowski	Member
Graham Chaze	Member
Bev Richards	Member
Vince Cianci	Member
Ray Pearson	Member
Devon McCloskey	City Planner
Kylie Hissa	Secretary Treasurer

Regrets:

Chris Price	Member
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DELEGATION:

- (i)** Wayne Gauld, Chair, called the meeting to order at 6:06 pm and reviewed the meeting protocol for those in attendance.
- (ii)** Additions to agenda - there were none.
- (iii)** Declaration of interest by a member for this meeting or at a meeting at which a member was not present:
 - Wayne Gauld declared conflict on file: D13-18-06, Wilson
- (iv)** Adoption of minutes of previous meeting

The Chair asked the Committee if there were any questions or corrections to the minutes as circulated.

- June 19th, 2018
 - Approved as written: June 19th, 2018 minutes of the regular Kenora Planning Advisory Committee meeting.
- July 3rd, 2018
 - Approved as written: July 3rd, 2018 minutes of the special Kenora Planning Advisory Committee meeting.

- (v) Correspondence relating to the application before the Committee.
- Kylie Hissa, Secretary Treasurer, presented various pieces of correspondence circulated earlier that day on July 17, 2018. The material had been printed for Committee members to review if they did not have the opportunity to print prior to the meeting.
- (vi) Consideration of applications for minor variance/permission

At 6:06 p.m. the Chair, Wayne Gauld, removed himself from the meeting. The Vice Chair, Ray Pearson, took over on his behalf.

- D13-18-06, Wilson

Don Wilson, Applicant
204 Fourth Street North, Kenora ON

Mr. Wilson introduced his application for Permission to enclose an existing deck with a setback of 0.7 m as an addition to the house. Both lower and upper levels of the dwelling have the same 0.7 m setback.

The Planner presented the planning report, file: D13-18-06, and explained that the development did occur prior to the submission of the application. This application is to allow for a building permit to be issued subsequent to development taking place.

The property itself fronts on Fourth Street North and backs onto a travelled access way, to which several other properties use to access the rear of the lots and garages. The area itself is characterized with large dwellings developed at the southern extent on deep lots; most dwellings are located in close proximity to side lot lines. Development upon several of the lots appears to be legal non-complying to the Zoning By-law. The Building Department had no concerns and noted that the application has no west facing windows, which could be a fire concern. Kenora Hydro did have concern with electrical service but contacted the Building Department; it was determined that the concern would be addressed during the building permit process. Engineering indicated that watermains may be located at the rear of the property and as a secondary issue, were wondering about the City requesting an easement.

The Applicant stated that they are aware of the watermains, but indicated that in order to turn the water off, it is three houses down. They stated that they would entertain the idea of an easement. The Planner indicated that the easement would be surveyed and that she would pass it along to the Engineering Department. There were no written concerns made by the public; however, a letter in support of the application was received.

The Vice Chair asked if there was anyone in the public whom wished to speak in favour or against the application. There were none.

The Vice Chair asked the Committee if they had questions pertaining to the application.

Vince Cianci asked how large the addition is, to which the Applicant responded by saying 8ft by 18ft. The Applicant indicated that it was a roof deck and that the addition is already built.

The Planner clarified that the application is a retroactive Permission and that it initially came to the City following a complaint. The Planning Department is under the impression that it has since been resolved.

Kylie Hissa helped explain the context of how the application came arise, which was after discussion with the Building Department when the Applicant tried to apply for a building permit. It was noted that the deck had been legal non-complying with the Zoning By-law 101-2015 and so enclosing the deck as an addition would be considered an enlargement to the non-compliance, therefore requiring a planning application.

Ray Pearson asked if there are any repercussions to applying for a permit after the fact. The Applicant stated that he wanted to go through the process in order to make the construction legal and is willing to pay any fines if need be. While he had been aware that he would eventually need a building permit, the planning application had been an oversight; he did not realize that the deck had been non-complying to the By-law and that enclosing it would be considered an enlargement.

Vince Cianci asked for clarification on whether a variance would still be warranted for the second floor. The Planner explained that it is the existing footprint as the deck and there are no changes to the existing side yard setback.

Kylie Hissa indicated that the Applicant had provided a survey to show the existing footprint of the building, including the deck. Because this was provided as evidence to demonstrate it was legal non-complying, the application is for "Permission", as per Section 45(2) of the *Planning Act*. The application form itself is the same as for a minor variance, with a different name because it is legal non-complying to the By-law and not new development necessitating a variance.

The Vice Chair asked for discussion prior to making a decision.

Robert Kitowski commented that the report refers to minor variance, to which the Planner stated it was an error. Robert then asked the Applicant if the enclosed addition includes eaves or anything that would make it slightly closer to the lot line. The Applicant stated that there is nothing else that would make it closer; it is the identical footprint as before.

The Planner suggested that in the future, she will brief the Committee prior to a meeting in order to provide information on any new processes, such as applications for permission.

Moved by: Bev Richards

Seconded: Graham Chaze

That the Kenora Planning Advisory Committee approves Application for permission File No. D13-18-06, seeking relief from Section 3.21.1 (a) ii. – which requires that a situation of legal non-compliance not be further increased. Approval of the application for permission file D13-18-06 will allow an existing exterior deck with side yard setback of 0.7 m to be enclosed as a second storey addition to the house, with a side yard setback of 0.7 m. And that approval of the application for minor variance meets the four tests, is consistent with the provisions of the Zoning By-law, the Official Plan, do not appear to have a negative impact on neighbouring properties and considered minor in nature.

Carried.

At 6:28 p.m. Wayne Gauld reassumed role as Chair.

- D13-18-07, Friesen

Gloria Friesen, Applicant
813 Essex Road Kenora, ON

Gloria Friesen introduced herself as the Applicant for the file, and read off prepared notes she had made. The Applicant quoted the Provincial Policy Statement (2014) and referenced how their application will contribute to land use development and strong livable communities. They are trying to promote development and be contributing community members in the City of Kenora, noting the positive experience her partner had when she had been in the area for 14 years. The Applicant referenced frustration in regards to the obstacles they have experienced whilst trying to get established in the area, noted that they feel unwelcomed and quoted a recent statement made by the Mayor with regard to development and red tape. The Applicant is seeking temporary approval to live in their camper while construction of their permanent dwelling takes place, which would finish at the end of October. They have done everything in their power to get the necessary approvals.

The Planner offered background context on the file, indicating that the application came forward after a voluntary compliance letter had been issued following a compliant to By-law enforcement regarding a situation of non-compliance to the Zoning By-law. The Planner stated that she was surprised to hear that the Applicant felt unwelcomed, explaining that she thought that the Applicant was very easy to work with. The Planner explained that staff has been working with them to achieve compliance and through the process of building a permanent dwelling.

The Planner then went on to present the planning report file, D13-18-07, which is seeking temporary relief from the By-law to allow use of a travel trailer during construction of a permanent dwelling. The Planner indicated that on June 18th, 2018

the Planning Department issued a voluntary compliance letter and the Applicant contacted the City right away to move towards compliance. The subject property is a corner lot and there are also two pieces on a reference plan, including a waterfront portion. They are choosing to develop the eastern parcel of land.

The Planner noted a few errors in the Planning Report.

There were no issues or concerns from the City Engineering Department; however it was noted that there could be concern with the trailer being orphaned during the winter but would be unlikely. Kenora Fire had concerns about carbon monoxide alarms and fire alarms. The Northwestern Health Unit (NWHU) had been in contact with the Applicant and provided a copy of the sewage permit. With regard to the use of the travel trailer, the NWHU did not have concerns and noted that the Applicants are well on their way to receive a permit for the septic field.

The Planner explained that because relief is minor and for a temporary period of time, applying for a minor variance was an appropriate process. It is also the first time the Committee has considered a temporary minor variance. In the past, a Temporary Use By-law would have been required. In this case, we are able to place conditions on the minor variance for temporary use. The Planner recommended that the Committee approve the application and for approval to expire October 31, 2018.

The Chair asked if there was anyone in the public whom wished to speak in favour or against the application. There were none.

The Chair asked the Committee if they had questions pertaining to the application.

Ray Pearson asked if there is a provision for extension, considering the application is for temporary relief. The Planner indicated that an extension would likely warrant another circulation and would have to come back to the Committee.

Ray Pearson asked the Applicant if building has commenced. The Applicant informed Ray that the building plans should be there soon.

Andy Stanley
15 Regina Avenue, Kenora, ON

Andy Stanley, member of the public, introduced himself as the contractor working with the Applicant and confirmed that construction will take place very soon.

Ray Pearson asked to clarify again if the Applicant would have to come back to the Committee for an extension, if needed. The Planner explained that she would have to look at the Planning Act and double check; however, that she believes it looked prohibitive. The Planning Department may have to have the application applied for again. If the Committee feels that the process may take longer than October 31, 2018 amendments can be made in the decision to extend the period.

Wayne Gauld asked the Committee if an extension was warranted. Ray Pearson suggested that the temporary period is too tight. The Applicant stated that they likely would look to have other accommodations anyways, even if it took longer due to the drop in temperature by October. It was confirmed that amending the recommendation to extend the temporary relief period would not be necessary.

Vince Cianci asked out of curiosity why the aerial view of the subject property changes shape when looking at different plans and pictures. The Applicant informed the Committee that the property has been surveyed and the frontage on the subject property is greater than what appears on the aerial mapping on the City website.

The Chair asked the Committee for discussion prior to making a decision.

The Committee was satisfied with the recommendation as outlined in the planning report. Wayne Gauld indicated that the concerns from the Fire department should be addressed. The Applicant stated that they do have a fire extinguisher.

Robert Kitowski asked for clarification on the length of time you are allowed to camp. The Planner explained that it would be the *Public Lands Act* that would allow you to camp on Crown land for up to 21 days. This act does not apply to City lands.

Vince Cianci stated that to clarify, a person cannot live in a trailer on private property. The Planner confirmed that you are not allowed to do that. She also clarified that the Fire Department's concern was in regard to having fire alarms, which the Applicants may need to buy. The Applicant was willing to do so.

There was no further discussion.

Moved by: Graham Chaze

Seconded: Robert Kitowski

That the Kenora Planning Advisory Committee approves Application for minor variance File No. D13-18-07, seeking temporary relief from Section 3.6 (e) and Section 3.34.2 – which requires that any recreational vehicle or trailer shall not be occupied while parked or stored on a lot; and that any portable trailers or structures incidental to construction or repair work in progress shall not be equipped with kitchen facilities, sleeping quarters or other overnight accommodation. Approval will allow the temporary use and occupation of a trailer on the subject property during construction of the permanent residence, not to extend beyond October 31, 2018 from the date of approval. And that approval of the application for minor variance meets the four tests, is consistent with the provisions of the Zoning By-law, the Official Plan, do not appear to have a negative impact on neighbouring properties and considered minor in nature.

The Chair called for a break in the meeting at 6:50 p.m. to wait for file D10-18-08, Scott Island file to be heard at 7:00 p.m.

At 7:03 p.m. the Chair called the meeting back to order.

- (vii) Considerations of applications for consent
- D10-18-08, Scott Island

Alex Clark, Agent
Lakeland Consulting
Via Teleconference

Alex Clark introduced himself as the Agent for the application and indicated that during the PAC meeting to reconsider the Zoning By-law Amendment application file D14-17-05, there was some outstanding matters which had been addressed. The most relevant matter had been the agreement to include a designated environmental protection zone east to west of the southern shore of Scott Island. It was agreed that this was the most appropriate way and simplest way, operationally, to provide protection of the lichen species of conservation concern.

The other item that had been of concern was to have the mid-point line designated on the island layout to visualize what was being referred to as the northerly and southerly portion of the island. The Zoning By-law Amendment application has been approved by Council today and so paves way for consideration of the consent proposal.

The City Planner presented the planning report for file D10-18-08, which she indicated was fairly lengthy. For context, the consent application was withheld in order for the Zoning By-law Amendment application to proceed to allow site specific development for uses in the RR-Rural Residential zone. The Planner confirmed that Council did give consideration to the application that afternoon and it was passed, now being subject to a twenty (20) day appeal period from the date the decision is posted in the paper, which would be next Thursday. Once the appeal period has lapsed, the By-law Amendment will be final and binding. Towards the submission, an Environmental Impact Study was submitted. There had been initial concerns raised regarding methodology to study fish habitat. The PAC requested that the EIS be updated to review fish habitat and lichen and to also provide a site plan drawing showing the area for protection and areas available for development and septic, shoreline structures.

For additional context, the Planner explained that the Committee was provided a revised EIS in February 2018; however a recommendation was deferred to Council until such a time that a final EIS was received and site plan agreement. On June 15th, 2018 the Agent submitted the revised documents and on July 3rd, 2018 the Committee considered the application for a recommendation to Council.

There had been concerns regarding compliance; future owners might not be aware of the natural heritage features. It was decided to use a site specific environmental protection zone to encompass the lichen host trees, which would be overlaid on the City's aerial mapping. Cutting or burning of vegetation would not be permitted. The Planner indicated that the Island currently has one existing seasonal dwelling and hydro service can be extended and could be available to new developments.

The consent application D10-18-08, Scott Island was circulated to internal City Departments and as a result, several comments had been updated. Kenora Fire had no concerns; however, that there should be a plan to dispose of construction debris and open air permits could be undertaken. The Northwestern Health Unit provided previous comments dated in 2016 and noted that each of the proposed lots would be able to accommodate septic. Environmental Services commented that curbside collection could be a possibility as long as garbage bags had tags on them. Kenora Hydro stated that they would require engineering design, easements, and economic evaluation to determine costs. The Planner indicated that she understands that the Agents are working with them to provide that.

The Ministry of Natural Resources and Forestry (MNR) were able to provide comments in reference to the most recent EIS. While there were still concerns with some of the terminology and recommendations, the MNR would support the EP zone if implemented by the City.

A letter from a member of the public had been received by the Planning Department. They were unable to attend the meeting and so wanted to provide the comments in writing, which was three pages long but ultimately there were no concerns with the development moving forward as proposed.

The Planner stated that the recommendation to the Committee was to approve the application, subject to a number of conditions and contingent that the appeal period for the concurrent Zoning By-law Amendment application lapse.

The Chair asked Kylie Hissa to read the redacted written letter that had been received.

Kylie Hissa read the letter, which detailed concern of the location of docks/septic fields on Lot 5 of Scott Island and offered an opinion of where they should be located. At the end of the letter, the resident indicated that they were in general support of the application being approved.

In response, the Agent explained that he would also agree with some of the suggestions within the letter; however, that it would be up to the future property owner for where they would locate their structures. In past discussion with a coast guard, since they would be dealing with navigable waters, the suitable location of docks on Lot 5, as identified on the site plan layout, would likely be approved.

The Chair asked if there was anyone in the public whom wished to speak in favour or against the application.

Clive Paddock
3-35 Nash Street, Kenora ON

Clive Paddock, member of the public, wished to speak. He explained that he had attended earlier meetings and offered a boat count slip of 300+ in Norman Bay, minority of which uses the Treasure Bay channel. The majority uses the Scott

Island channel, and they also have large vessels. Mr. Paddock explained that many people don't know what curtesy on the water is and are travelling ridiculous speeds in not just boats but sea doos; the channel is extremely busy.

The Agent indicated that Mr. Paddock was talking about the westerly portion of the mainland channel. As a general observation, the channel between Treasure Island and Scott Island is fifty-five (55) metres, in relation to Lot 5. He recognized the concern and explained that the future purchaser would want to be aware of that and would prefer to build a dock on the north westerly portion of the lot as it would be safer. The Agent stated that he is not in disagreement but wanted to offer comment.

The Planner offered additional information, explaining that Transport Canada also has regulation on the location of docks. The furthest extremity cannot be more than 30 m to the navigation channel. So at the time of a building permit, there would be a review to ensure it is not impeding on that navigation channel. It might not be possible to have it located there.

The Chair asked the Committee if they had questions pertaining to the application.

Bev Richards asked if there was a speed limit, to which Vince Cianci responded by saying no. Karen Brown, CAO, attending the meeting, also stated that she does not believe that there is a speed restriction in that area.

Ray Pearson thanked the Agent for including the north and south division on Scott Island, but wanted to offer some comments. Ray asked if there was a misunderstanding since only a line had been drawn halfway up the island. His question was that the EIS indicated that the northern portion of the island would not have site plan control and asked if that was correct.

The Agent explained that the purpose of the line was to understand what was being referred to when the EIS referenced the north and south portions of the Island, which was based on the contours of the Island. Ray indicated that the request for the division line was to have a clear understanding of the site plan control area and not just to divide the island in half. Ray suggested that the line be moved further north in order to encompass the area in which the EP zone covers.

To help clarify, the Planner explained that when a site plan control application is brought forward, the entire island, including the northern part of Scott Island, would be relevant. Site plan would also look at the location of docks on the north side, not just the south side.

Ray Pearson indicated his satisfaction in that regard.

Vince Cianci asked if the yellow strip across Lot 2 of the site plan layout would be for hydro, and asked whether that would be an official easement. The Agent explained that it was a buffer that had been included from what was seen in the field. The Agent was not sure about the status of it for the future or what would be

required from Hydro. Presumably, they would want a registered easement. If so, the future property owner will need to register an easement to give access to Hydro.

Vince Cianci asked how the neighbouring properties will be serviced, such as by submarine or aerial. The Agent stated that it would be up to the property owner to determine what is most cost effective. Once the creation of the lots is approved, the owners can have a discussion with Hydro.

Vince Cianci indicated that normally with plans of subdivision, Hydro is a concern. Vince asked how each of the property owners are being protected and how they will have access to servicing. The Agent explained that the owner has an idea that the hydro line would come up the current access point off the eastern part of the Island to the west, a third of the way into the Island. It would be the most cost effective.

Vince Cianci asked whether easements across the lots should be established in order to ensure that future property owners are protected. The Agent explained that it is not confirmed whether the owner is willing to pursue that; it was an option that was discussed and would depend on the number of lots. If there were fewer lots than proposed, then he may not go with Hydro.

Graham Chaze asked what would happen if a future owner would want solar. There is no requirement for hydro; the owners are buying private property and it would be their responsibility.

Vince Cianci asked if the suggestion to erase the existing footprint of the cabin will be moving forward. The Agent indicated that the owners recognize that there is sentimental value to the cottage but there is the expectation that it would be taken down. He doesn't know for sure. The Agent stated that the building is a tear down and that an owner would not be able to build with the 20m EP zone anyways.

The Planner stated that the owner would not be able to rebuild the cabin if it has not been used.

Vince Cianci asked if it could be stated with confidence that no one could start fixing the existing cabin up, no matter the current state. Vince asked if the City could stop the owner from fixing it at this time.

The Planner explained that there is case law to support the premise that if the legal use of a building has ceased, then there is the ability for the City to say it is no longer protected. A conversation with the Building Department would be warranted to confirm what the City could do if they did start to fix the existing building right now, despite not being in use.

Wayne Gauld asked Vince Cianci what the exact concern is with the cottage. Vince explained that he would like to confirm that it would be rebuilt in the 20 m EP zone.

The Planner stated that she was under the impression that from the site plan drawing for the location of a dwelling on Lot 2; it would be a different location entirely from the existing footprint. She was under the impression that it would be taken down. Vince Cianci stated that his issue would be for someone to buy the lot and construct a house but to then also fix the existing cottage.

Bev Richards asked if the Committee could request the demolition of the cottage by a specified time through a condition of approval.

The Agent explained that when he spoke to the owner about what they intend to do, some owners wanted to keep it whereas others wanted it torn down. His view is that it is unsafe and that if you wanted to utilize it, you would need a building permit. From what he is aware of, it is not in the cards to locate it there and partly because a septic field needs to be 30 m away and fair distance backshore. The Agent believes the intent is to remove the cabin but can confirm if it's an issue. It would not be cost effective to spend money to maintain it.

Vince Cianci wished to confirm the issue of the legal non-conformance. The Planner indicated that she would like to talk with the Building Department for their point of view.

Vince Cianci also wished to clarify the setbacks for septic and referenced that several weeks ago, it had been a 20m setback from shore. In the planning report for this current file, a 30m setback had been used. The Planner clarified that as per the Zoning By-law, the setback for septic fields is 30m whereas the setback for a septic tank, which was being considered in the previous application, is 20 m.

Robert Kitowski referenced the proposed lot plan and indicated that the southern portion of the Island is outlined as the EP zone (20m from the shoreline); however, it is also marked as a suitable dock location.

The Planner explained that if upon review of the EP zone and there was the ability to construct a dock while avoiding all features to be protected, then these would be areas that a dock could be built. It would need to be reviewed and removal of any vegetation would be prohibited. It would be only after a review of the proposal and evidence to demonstrate no negative impacts, same as for any shoreline structures. The Planning Department would approve any plans within the EP zone in order to protect the natural features.

The Planner confirmed that nothing would be approved to be built on the fish habitat areas as highlighted in orange on the lot plan.

The Chair asked the Committee for discussion prior to making a decision.

Ray Pearson stated that at the last meeting, the Committee discussed how potential buyers would be informed of the EP zone. Ray asked if it would be registered on title.

The Planner explained that it wouldn't be; it would be a buyer beware type situation. Any property owner would want to know that the property could have a dwelling and the City has the opportunity to provide limitations and comments in writing via a compliance letter. The Planning Department would identify the two zones and how it would be expected that development would proceed.

Bev Richards asked if there was a way to include it on title. The Planner explained that it could be, but it would be far more restrictive.

Wayne Gauld also explained that most property owners look at the zoning whether or not they are working with a realtor agent. If they are working with one, then the realtor would address the zoning.

In reference to the existing cottage issue, Graham Chaze stated that he is not sure that it is relevant. If the owners didn't want to sever the Island and renovate the cabin, they could probably do so. If someone wanted to rebuild where it is, he would have no problem.

The Committee discussed whether it would be appropriate to expect the owners to tear the existing cabin down. Bev Richards suggested that the client be given a time period to do so. The Planner also indicated that there is the possibility for someone to keep the cabin and call it a sleep cabin, as per the Zoning By-law. There are some restrictions and they cannot be serviced.

Mark Thiesen, from the audience, introduced himself as the youngest brother and part owner of Scott Island. His brother, Bruce, has been working with Alex Clark, the Agent. As far as he can tell, the cabin is designed similar to the Yacht Club – the roof doesn't leak and it is not musty. The beams are solid and the since it is pad and post on rock, the cabin has not budged. Similar to what Graham had suggested, Mr. Thiesen agreed that future owners would need to decide.

The Committee then went on to discuss whether they are obligated to ensure that each severed property can be serviced. It was concluded that they wouldn't be. The Planner explained that there are other options available such as solar. The By-law does not specify that only recreational uses would be permitted; permanent use would also be okay. If it is decided that hydro be extended, then Kenora Hydro would request easements (by land) and it would be brought forward to the Committee again.

For clarify, Vince Cianci asked when site plan control would take effect. The Planner explained that site plan control can only be laid down once the severance has taken place. It cannot be a condition of the consent approval because it has to happen afterwards, which we have a lot of information for already. With the EP zone, we were able to be less scrutinizing with the lot layout plan because we know that individual property owners will be coming forward with their own plans. The Planner confirmed to Vince that site plan control would take effect when a building permit is applied for.

To help explain the process of a future buyer becoming aware of the EP zone, the Planner described the use of a compliance letter, which would also rely on a future buyer doing their due diligence by asking the zoning prior to purchase. Wayne Gauld indicated that he would be shocked if a person bought a piece of this land and not know.

Robert Kitowski asked what would happen if the consent is approved and then appealed. Robert asked if the decision is appealed and that process takes longer than a year, would the application need to start over. The Planner stated that conditions would need to be met within a year. The Local Planning Appeal Tribunal would be aware of the concurrent applications (i.e. Zoning By-law Amendment D14-17-05). In her experience, they would review all applications under consideration.

There was no further discussion.

Moved by: Graham Chaze

Seconded by: Robert Kitowski

That application D10-18-08 for consent to sever for the creation of four (4) waterfront through lots, and one retained, described as Island K144, being PIN #42162-0024 known as Scott Island; be approved, and provisional consent be granted, subject to the conditions as outlined within the planning report. That the application has regard for the Provincial Policy Statement (2014); is compliant with section 51(24) of the Planning Act, and meets the intent of the City of Kenora Official Plan (2015) and Zoning By-law No. 101- 2015 as amended; and received approval for a Zoning By-law Amendment file D14-17-05.

Carried.

The conference call ended and Graham Chaze left the meeting at 8:14 p.m.

- (viii)** Considerations of applications for condominium
- D07-18-01, Kings Landing

Jim Peterson, Applicant
Kings Landing (Kenora) Development Corporation

Jim Peterson introduced himself as the Applicant regarding file D07-18-01, Kings Landing, which had also been presented to the Committee for a Zoning By-law Amendment in April, 2018. The Applicant stated that they had a meeting earlier that day with City Operations, Engineering and the City Planner to discuss possible extension of sewer and water services. He explained that there would need to be limited financial impact to them at this point in order to bring the units into a reasonable budget. He understands that a letter had been submitted to the Planning Department with some concerns and has responded to that letter, which had been sent to Devon. He is happy to answer any questions.

The Applicant also wished to explain a response to the comment received from the Canadian Pacific Railway (CPR). First, he indicated that he does not want to do a noise study, as the tracks are further enough away and there are trees. He explained that the current building code has changed so much in the last 15 years. The north side of the dwelling units would have triple pane glazing and two inches of Styrofoam for better insulation to help mitigate noise concerns. All units will also have air conditioning units so that windows won't need to be open. On the north end of the development, living rooms will be facing southwards, so that people won't hear the railway. The Applicant also stated that there is residential use surrounding the subject property and so noise shouldn't be that great of a concern. The second comment from CPR was to include a warning clause in the purchase and sale agreement, informing future owners that a major railway is within 300 m.

The Planner presented the planning report for file D07-18-01, which is to enable a 22 unit common element condominium. Common elements would be an internal private road to access the lots and services for municipal sewer would be extended. The land to the south would be dealt with in a Stage 2. The application would also be exempt from part lot control with the purpose of separating the two phases of the project. The Zoning By-law Amendment was passed today to allow for multiple detached dwellings.

The Planner also indicated that the southern portion of the property is designated as provincially significant wetland and had formerly been development as a small golf course. Services are not currently extended but are proposed to be. The City Operations Department is looking at the feasibility to extend to the front of Railway Street. Since the property is also adjacent to Laurenson's Wetland, an EIS report had been completed in 2016. As per the 2016 EIS, a 20m buffer would continue as part of this current application.

The surrounding land use is zoned R2 - Residential Second Density, ML-Light Industrial, and HC-Highway Commercial. Because there is quite a bit of development in the area, this particular project would be considered infill development and would be consistent with the Provincial Policy Statement (2014), as medium density uses are permitted in the Established Area.

The application had been circulated to internal departments with some updating their comments. Engineering had a number of comments and noted that some can be addressed in a site plan review/agreement; however that there were no objectives to the condominium application. Roads Department maintained the same comments that had previously been submitted and no comments were received from Hydro. Kenora Fire had some suggestions with regard to excess hydrants, which has been passed onto the Applicant. Environmental Services indicated that a private contractor will need to pick garbage up from the units and the Applicant plans on arranging that. Bell Canada informed Planning Staff that a buried cable

exists around the subject area but it is reasonably well marked and shouldn't be an issue; there was no concern with the development. The MNRF stated that they would like to be involved with additional applications proposed and CP Rail provided comments about a noise study and warning clause. A noise study would be triggered if the project was not infill development, but because it is considered infill development and because several items within the plans would mitigate noise concerns, a study was not requested. The warning clause will be included and is listed as a condition of approval. Additionally, several other conditions have been listed to include the specific noise mitigation efforts (i.e. triple pane window glazing, extra insulation, air conditioning).

Written public comments were received, generally expressing concern over access on Gould Road and potential blind spots. These concerns have been addressed by the Developer. There will be no access to Gould Road. The Planner read the Applicant's response letter, addressing the public comment.

The Planner informed the Committee that development of the portion of land with the environmental protection zone could be a possibility in the future; however, that it would need to be approved by the MNRF. The intent is to leave the area as natural as possible but to have it available for walking and there would be no reduction of greenspace. Drainage has also been addressed, demonstrating that there would be no spillage onto neighbouring properties. The application contributes to housing supply for seniors, which is in high demand in Kenora. The Applicant is working through site plan approval and a letter has been issued. The outstanding issue is to bring forward a site plan agreement to Council.

The Chair asked if there was anyone in the public whom wished to speak in favour or against the application.

Brenda Jackson
1723 Railway Street
Kenora, ON P9N 0B4

Brenda Jackson, member of the public, introduced herself as a neighbouring property owner. Ms. Jackson asked where the extension of sewer and water will go, such as down the street.

The Planner explained that the City is looking to work with the developer and extend services along Railway Street but that it is in the initial stages. It would definitely not be on private property.

Phil Hanstead
Century 21 Reynard Real Estate Ltd.

Phil Hanstead wished to speak in favour of the project, highlighting the need for senior housing in area. Mr. Hanstead explained that people leaving the City because of the lack of housing. As such, he would like to see this application move forward.

Chair asked the Committee if they had questions pertaining to the application.

Wayne Gauld clarified to the Committee that the concept of the condominium has changed. The visitor parking area, garbage, etc. have been removed from the current application. He explained that some people may be under the impression that certain common elements are theirs. Wayne also asked how they would have use of the common land.

The Applicant explained that there are several parts to the land, and showcased the development plans to the Committee. Residents will have part ownership of the roads, easements, and of the remaining green parcel.

Wayne Gauld asked the Applicant if they are trying to register an easement on an existing one. There was discussion regarding the easement and how residents would own the land itself, with the easement existing over it. It was clarified that the residents will get part ownership of the land, but the easements will still be in favour or who they are in favour for. Wayne indicated that technically, the easement could become a road, to which the Agent stated that if they wanted it to be a road, then it could be. However, that there is a 6m requirement to build away from the easement. The easements will remain in place and will be included on the reference plan.

Vince Cianci asked about the provided survey, indicating that the proposed development is pretty tight to the ownership lines. On the plan, it shows the hydro line. Vince asked if that top part will be cut off or if they are proposing to give that portion of land to the City and develop behind it or move the poles. The Agent explained that he had the understanding that the fence was his property line; however found out yesterday that the property almost touches the asphalt. In his discussion with the Engineering and Operations Department, he suggested getting an easement in favour of the City of Kenora. Services would be placed in that easement with access provided to the City and the development would take place on the other side of the fence so as to have a buffer. The poles would be in a utility easement to the City and Hydro. They are still under negotiations.

Vince Cianci suggested that the City owning the land would be a better tenure, such as having a bus shelter there. The Agent explained that if he give the land away then the yard setbacks would change; he will have to look back at the dimensions and the relation to the fence. They will work it to be the best possible way for both parties. Vince Cianci wished to clarify that the Applicant is not building to the

property line. The Agent confirmed that they wouldn't be; if they did, the units would not sell.

There was mentioned of having a registered easement a condition of approval. Wayne Gauld asked why the developer would need to pay for the easement. The Committee discussed the process of what would be triggered by Hydro One and how easements could be in favour for certain parties. Vince Cianci suggested turning the land to the City and not have to worry about the easement.

The Planner asked if the Operations Department gave a time frame for a decision regarding the extension of municipal services. The Applicant explained that they had to get more information but he expects an answer relatively soon. One of the options is to get a plumbing permit and turn it to the City rather than going through the Ministry of Environment and Climate Change (MOECC). Bev Richards indicated that they would have to have the property re-surveyed, if so.

Robert Kitowski asked where the 5% in lieu of parkland goes to. The Planner explained that money goes into a reserve, and the Planning Act dictates what it can be spent on, such as on the development of new parks and expansions to existing ones. It is closely monitored and quite limited to what it can be used for.

The Chair asked the Committee for discussion prior to making a recommendation.

Ray Pearson wished to state his support of the development proposal, as it is well needed for the area and it is well thought out. Bev Richards also expressed support and asked when the start date might be. The Applicant stated that they would like some units completed by December of 2018 but that not everything will be done.

Wayne Gauld wished to come back to one of the concerns regarding access, as per the redacted public comment. The Applicant explained that the complaint was that the road was 6m wide whereas the others were 8 m. The maximum width for driveways is 6.7 m but they had increased it to 8 m. Wayne asked if the concern was because it is strange to have an entrance that is 6 m, to which the Applicant explained that the width is because of the easement.

Robert Kitowski asked the Planner if the condition regarding the 5% in lieu of could be modified or if they are bound to that. The Planner explained that it would be a 5% transfer of parkland or cash in lieu of. It was decided to amend the condition to offer the option of either.

Moved by: Robert Kitowski

Seconded by: Bev Richards

That application D07-18-01 for proposed Draft Plan for a Common Elements Condominium, described as Part of Block B, Plan M28, being PIN #42176-0338, is given Draft Approval by the Planning Advisory Committee, subject to the amended conditions as outlined within the planning report. That the application meets the criteria set out in Section 51 (24) of the *Planning Act*.


Carried.

The Applicant wished to clarify next steps, such as having the land surveyed, which he has made arrangements for. The Planner stated that getting the site plan agreement completed would be the absolute next step. She also indicated that when it comes to the extension of municipal services it may be a different agreement so we wouldn't want to mix up one approval with the other. The site plan agreement would be the most pertinent for the planning application.

Moved by: Robert Kitowski

That the July 17, 2018 Planning Advisory Committee meeting be adjourned at 9:09 p.m.

Minutes of the Kenora Planning Advisory Committee Meeting, Tuesday July 17, 2018, are approved this 21st day of August, 2018.



Wayne Gauld, Chair



Kylie Hissa, Secretary-Treasurer