



City of Kenora  
Planning Advisory Committee  
60 Fourteenth St. N., 2<sup>nd</sup> Floor  
Kenora, Ontario P9N 4M9  
807-467-2292

**Meeting Minutes  
City of Kenora Planning Advisory Committee  
Regular Meeting held in the Operations Centre Building  
60 Fourteenth St. N., 2<sup>nd</sup> Floor – Training Room  
October 16, 2018  
7:00pm**

**Present:**

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

**Regrets:**

Wayne Gauld	Chair
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**DELEGATION:**

- (i)** Ray Pearson, Vice Chair, called the meeting to order at 7:02 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 – there were none.
- (iv)** Adoption of minutes of previous meeting

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

- September 18<sup>th</sup>, 2018
  - Approved as amended: September 18<sup>th</sup>, 2018 minutes of the regular Kenora Planning Advisory Committee meeting.
- (v)** Correspondence relating to the application before the Committee

- The Planner indicated that she received concept drawings relating to file D13-18-09, Minor that day. They were printed for Committee members.

**(vi)** Consideration of applications for minor variance

- D13-18-09, Minor

Tara Rickaby, Agent  
TMER Consulting, Kenora ON

The Agent was joined by one of the owners, Sarah Minor and apologized for the delayed concept drawings, which the Planner had presented at the beginning of the meeting.

The Agent presented the planning rationale for the application, explaining that the owners propose to construct an interior secondary dwelling unit as part of the construction of a new dwelling. The lot was recently purchased with an accessory garage and shed on site as well as a stone retaining wall and concrete jetty abutting the Winnipeg River. Hydro One has been onsite and a pole and service to the abutting property to the west is being relocated in order to prevent the need for easements. The Northwestern Health Unit has approved a septic system for the development and the existing septic field has been upgraded. The Agent highlighted that the development optimizes use of the land without municipal services and infrastructure and that secondary dwellings are permitted in the Official Plan's rural designation. The total footprint will be 3300 ft<sup>2</sup> and the secondary dwelling unit on the east side will comprise 40% of that total. Privacy of existing dwellings in the neighbourhood will not be negatively affected and the main entrance for each unit will be on either side; abutting properties will only see the one entrance way. Setbacks will also be exceeded to accommodate a deck on the house.

The Planner presented the planning report file D13-18-09. She explained that the application is consistent with the Provincial Policy Statement (PPS) (2014), the Official Plan and Zoning By-law. The PPS is extremely supportive of providing affordable housing and intensifying existing housing areas. The Official Plan and Zoning By-law are also supportive, permitting secondary dwellings; however, the Zoning By-law does not permit them in the RR-Rural Residential zone. Additionally, the lot is considered legal non-complying and so this provides the reasoning for why the application has been submitted.

The ability for septic to accommodate both dwelling units has been reviewed as well as the shoreline and existing development on adjacent properties. There were no concerns from the NWHU, any departments or property owners. The application meets the four tests and it was the Planner's professional opinion that the application be approved.

The Agent wished to highlight that letters of support were received from the abutting property owners and had been included in the application. The Planner confirmed that they were.

The Planner presented the concept drawings submitted by the Agent, which visualized what the development will look like from the river and the interior footprint.

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. There were none.

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

Vince Cianci wished to comment that the Committee is calling it a minor variance but ultimately the direction for how waterfront lots are developed is changing. The Planner explained that a similar application was considered last year, with the same intent (an interior dwelling on an existing lot but as an addition). Given that the direction has already started to change, it is likely something the City would consider revising in the next Zoning By-law update. Vince highlighted that we may as well permit secondary dwellings in these zones if approval would be given to anyone applying; at least those lots that are in good standing.

Graham Chaze suggested the possibility that negative feedback from the neighbourhood may influence an approval. Vince stated that a small neighbourhood disagreement likely wouldn't affect the decision. He re-stated his opinion that the Zoning By-law should be changed to permit it.

There was no further discussion.

**Moved by: Bev Richards**

**Seconded by: Graham Chaze**

That the Kenora Planning Advisory Committee approves application for minor variance file No. D13-18-09, seeking relief from Section 3.28.1, 3.28.1 (a) (iv), and 3.28.1 (b) – which requires that a secondary dwelling be permitted in the R1-Residential First Density, R2-Residential Second Density, and R3-Residential Third Density zones; that both the principal and the secondary dwelling be connected to municipal water and municipal sewage services; and that no secondary dwelling shall be permitted on a lot that is legally non-complying with respect to lot frontage or lot area. Approval of the application minor variance file: D13-18-09 will allow an interior secondary dwelling unit in the RR-Rural Residential zone, on an undersized lot with less than the minimum frontage, and on private services.

Carried.

**(vii)** Considerations of applications for Consent

**(viii)** Consideration of Application for Draft Plan of Standard Condominium

- D07-18-03, Ayrie Development

Randy Seller, Agent  
Hook Seller Lundin LLP

The Agent introduced the application, which is for approval of a two level standard condominium containing four units on property abutting Sultana Avenue and Dowsett Street. Ayrie Development (Kenora) Inc. is the Applicant. The application is premised on the acquisition of City Property to the rear and on the Sultana Avenue side in order to meet the site planning requirements. Zoning has been changed to R3-Residential Third Density; it is medium density, four unit standard condominium proposal. The Agent deferred to the Planner.

The Planner explained that a proposed property sketch was received and had been emailed to Committee members Friday Oct. 12<sup>th</sup>, 2018. The planning report was also revised to include updated comments from Engineering and Roads Department.

The Planner presented the planning report file D07-18-03. A previous application for a Zoning By-law Amendment to change the zoning to R3 had been approved in order to allow multiple dwellings. Approval of the draft plan will also be conditional on the acquisition of City Property. The Planner explained that the type of condominium proposed is for a standard condominium, whereby title to a unit is held together by share in the rest of the property, which is common to all owners; public consultation is not required for these types. The land is currently vacant and the abutting residential lots to the north are also vacant and not serviced. The Planner stated that the application is consistent with the PPS (2014) since it contributes to the overall housing supply in the City and that it provides an opportunity for seniors to downsize into lower maintenance multiple attached dwellings; although, there is no age restriction.

The Planner presented the updated comments received by internal departments. Engineering indicated that water service will need to be upgraded and extended across Veterans Drive and suggested that the developer be responsible for the install and the City taking ownership of the new 6" main and hydrant once they are put into service. No comments were received from Building Department and Roads Department had provided comments on previous applications. Water and Waste Water Department had a similar concern to Engineering with existing water and sewer mains. The closest hydrant was also a concern from Kenora Fire and it was asked whether a new installation could be made, to which the developer stated that it could be accommodated if needed. The Planner asked if the building will be sprinklered, to which the Agent responded by saying they were unsure. The Agent confirmed that the applicant is willing to install a new hydrant.

It was the Planner's professional opinion that the draft plan be approved and the description of the decision would include the property currently owned by Ayrie Development and the lands that will soon be acquired. The Planner read the additional conditions besides those standard ones to the Committee.

The Agent stated that the water main and servicing could be dealt with when the site plan is finalized. There were no issues with the conditions.

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.

Robert Kitowski indicated that on the planning report, it is recommended that the acquisition of lands be approved; however, that it was not listed as a specific condition. Robert asked if that would be controlled during the site plan process. The Planner explained that those details are on page 7 and included in the description of the recommendation. However, the wording could be changed if requested.

Vince Cianci requested some clarification on how much road allowance is being retained, as per the proposed property sketch. Vince asked whether there will be a back lane left behind. The Planner stated that there wouldn't, as only hydro infrastructure is on the east side which is to be acquired from the City. Vince asked why the City wouldn't retain the 6 m of land for the equivalent of a back lane. The Planner explained that it is needed for the development and to make it a straight line projection. The land cannot be used by other properties because it is intercepted by the hydro line.

There was further discussion between Vince, the Planner and the Agent over how much land will be retained based on the proposed sketch, which noted 5.1m. It was stated that there is the possibility that once surveying has taken place, the 6m may be met. The Agent highlighted that the developer only wants to acquire the minimum amount of land in order to meet the side yard requirements. Otherwise, they would have to apply for a minor variance. In certain cases, it is not necessary to have the arbitrary 6m and does not see how the Committee could consider an approval that would result in Zoning non-compliance. The Agent also mentioned that based on the conceptual drawings, which were submitted as part of the original application, it noted 6.01 m.

Graham Chaze stated that the Planner confirmed those lands have no utility and as such, development should take place.

Ray Pearson asked whether the lots to be acquired will get changed to the R3 zone by default. The Planner explained that the building isn't actually on those lots, only a corner of one unit, which is permitted in an R2 zone. When the City updates the mapping, it would be corrected with the virtue of the property being consolidated. It would be done in 2019-2020.

Ray Pearson then asked how the properties owned by the City are valued. The Planner stated that they received appraisals by a qualified appraiser; highlighting that it was not a letter of opinion.

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

Bev Richards asked whether access is from Dowsett Street or Veterans Drive, based on the illustration submitted as part of the application. The Planner explained that Dowsett Street is a secondary access. Bev asked whether the development will be accessible since on page 7 of the planning report it mentions persons with disabilities, or whether it were a general statement. The Planner stated that she could not confirm but that there is the option of living on the second floor and that there are stairs. The Agent indicated that wheelchair access may be arranged. The Planner also explained that on that page, it is a requirement that regard shall be had; however, that it is not an absolute requirement for new development.

Bev Richards also referenced that the planning report mentioned senior housing. The Agent clarified that it is not necessarily targeting seniors but the premise being residential downsizing. The Agent discussed what the common expenses would be (maintenance of parking area & landscaping) and stated that in his experience, fees associated with these types of Condominiums are not that expensive.

**Moved by: Graham Chaze**

**Seconded by: Robert Kitowski**

That the proposed Plan of Standard Condominium File No. D07-18-03, "Ayrle Developments (Kenora) Inc.", being PIN # 42179-0434; described as Part of Block B M28, being Lots 1,2,3,4, of Plan M106, together with property to be obtained from the City of Kenora; described as 42179-0431, 42179-0432, 42179-0433, and 42179-0439 be given Draft Approval subject to the conditions as outlined in the planning report. The proposed development meets the criteria as set out in Section 51(24) of the *Planning Act* and will increase the supply of housing for the City of Kenora.

Carried.

Robert Kitowski requested a 2 minute break at 7:57 p.m. The meeting commenced at 7:59 p.m.

**(ix) New Business**

- Recommendation(s), Application for an Amendment to the Zoning By-law:
  - i. D14-18-06, KDSB

Adam Smith & Megan Dokuchie, Applicant(s)

City of Kenora

Robert Kitowski had a question before the application was heard. He indicated that on the original application, the Planner was listed as the mortgage holder and was worried about possible issues. The Planner clarified that it was an error, and confirmed that she should not have been listed as the mortgage holder; it will be amended. The Applicants agreed that it be corrected.

The Applicants introduced themselves to the Committee and summarized the intent of the application, which is to re-zone the currently vacant municipally owned land from HC-Highway Commercial to I-Institutional. They stated that in the past, the land has been used for illicit activities. The access point would be off of Pine Portage Road where there is municipal servicing and the zoning parameters would extend westward for compatible uses permitted in the I-zone. A portion of the land would be retained as HC-Highway Commercial for future development.

The Planner presented the planning report file D14-18-06, explaining that the application is strictly to change the zoning of the subject property, which is approx. 3 ha in size, from HC-Highway Commercial to I-Institutional. The City has also received an application to purchase a part of this land. Due to the terrain and slope, access to the lot is prevented from the south side where Highway 17 E wraps around. For the eastern part of the property, abutting Pine Portage Road, there is a section that could accommodate access for a driveway. The Planner highlighted the specific photos within the planning report that visualize these limitations.

The Planner went on to describe how proposed development would be consistent with the Institutional zone. It would be compatible with existing uses, separated from sensitive land uses and would also be compact land use development. Although some investigation for development of the subject property was undertaken roughly 10 years ago, there has been little interest for a Highway Commercial use due to challenging terrain and access constraints. Given the location, being quite centralized and abutting residential areas, it is a prime candidate for re-zoning.

The Engineering Department commented on points of access along Highway 17 E and Kenora Fire did have concerns about the proposed access road into the building. It was suggested that the parking area should have a turn around for a fire truck and it could be addressed upon evaluation of a site plan. Water and Wastewater noted that services are available and can be extended for the development. Future development on the west side would require further reevaluation. As of today's date, no written public comments had been received, although there were a few questions from the public. Three separate emails by individuals had requested additional information and they each received a copy of the application. There has been no further correspondence since. The notice of an application to purchase the property was also mailed to property owners within 60 m. Some questions have been raised but no written comments have come forward to the Planner yet.

It was the Planner's professional opinion that the application be approved in lieu of comments yet to be received.

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

Ben Reynolds  
KDSB, Kenora ON

Ben Reynolds, from the public, wished to speak in favour of the application. He indicated that KDSB has submitted the application to purchase the property, highlighting that there is an immediate need for supportive housing. There is also a future need for a twenty (20) to thirty (30) bed development. The biggest hurdle to meet these needs have been finding appropriate lands. They are in full support of this application.

No one wished to speak against the application.

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

Ray Pearson wished to seek clarification on the application, indicating that he was a little confused on the amount of property that is to be re-zoned. From what he read, the entire 3 ha property would be re-zoned; however, the KDSB is only looking for roughly 0.8 ha for the development.

The Planner confirmed that only a portion of land has currently been applied for to purchase at this time but noted that there is the possibility for KDSB to acquire the other portion at a later date. She indicated that although the land proposed to be re-zoned is more than what is being proposed to be development at this time, it is because the western portion is not accessible from the highway because of challenging terrain and slope. Therefore, it's not conducive to support commercial development. An access easement from Pine Portage road and through the first piece would enable access to the western portion. However, commercial traffic and large trucks would not be appropriate. It would be suitable for smaller developments permitted within the Institutional zone, which have less traffic and smaller vehicles.

Ray Pearson stated that he is concerned that re-zoning all the land and eliminating a substantial portion of HC-Highway Commercial is premature when the proposed development is much smaller. He suggested that a hotel could possibly go there in the future.

The Planner explained that the City is waiting on a commercial appraisal and that depending on the result, the KDSB has expressed interested in purchasing that portion immediately. She suggested that it could be a piece of land that is re-zoned at a later date.

Ray Pearson suggested that for transparency sake, the public may not be fully aware that the proposed development is for a bail bed facility. The application itself and notice calls it a continuum care facility.



Bev Richards expressed a similar concern to Ray's and wondered how it may affect the existing hotel and neighbourhood.

Robert Kitowski asked for clarification on the potential driveway. The Planner explained that access would come off of Pine Portage Road and noted that it would not be City maintained. The property would be owned potentially by one owner, or two, providing similar services.

Robert Kitowski also asked what the mailing date of notice was, mentioning that some people had complained to him that they received the notice but missed the date to submit comments. The Planner clarified the process and explained that the notice stated comments were appreciated by the certain date, not that it was mandatory to obtain them by then. She highlighted that the current PAC meeting is not the statutory meeting and that there is still time for comments.

Vince Cianci asked what exactly was being built, as it does not look like affordable housing units. The Planner clarified that the application is to re-zone to Institutional in order to allow for an assortment of uses. The Committee is evaluating the re-zoning.

Robert Kitowski noted that if there is compatibility concerns, adjustments should be made. Knowing what the development is would help identify whether or not it is compatible.

Ben Reynolds (KDSB), from the audience, indicated that they have partnered with Ne Chee Friendship Centre and Kenora Chiefs Advisory. There is a need for supportive housing with onsite cooking and mental health counselling and highlighted that the program will be funded by the Ministry of the Attorney General (MAG). He went on to explain a little bit about the program, which will be for individuals on bail. There will be 24 hr surveillance and it is aimed to support people on a path away from the justice system and away from the temptations of downtown. He emphasized that it is not a correctional facility.

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

Robert Kitowski stated that he thought it was the intent of the emergency shelter to be downtown. He mentioned that it would seem unwise to have people in this proposed area if they need to go to court and counselling, which are downtown. Robert also asked why a larger portion of land is being re-zoned if the KDSB are only acquiring the one section.

The Planner highlighted again that it is due to access and explained that if you look across from the OPP station, it is a cliff. The Planner clarified that on the aerial imagery, there are unopened road allowances but would not be feasible to develop as roadways.

Robert Kitowski noted his concern about compatibility.

Chris Price had no concerns with the re-zoning but was curious on how the traffic dynamics will change around Pine Portage and Highway 17 E. He mentioned some of the higher density development in the area and wondered how traffic will be affected. The Planner indicated that she understands the concern and stated that it has been looked into.

Vince Cianci commented that it would make more sense to gain access off the main highway.

Bev Richards asked Ben Reynolds (KDSB) several clarifying questions to better understand the proposed development. She asked how many jobs it would provide and whether that is what is being replaced at the Northland Supportive Housing building. Ben confirmed that the immediate build of the 24 units would provide eight to ten full time positions. These jobs would replace those at the Northlands. Ben went on to explain that if the western portion is acquired as planned, the 20-30 supportive housing build would help remove chronic homeless people and help transition them into obtaining safe housing. The project will be mirrored to one that was completed in Sioux Lookout and there was success there with reduced police and ambulance calls.

Bev Richards asked whether the cited "community hub model" plans to have the total 40- 50 residents, to include the 24 unit and the 20-30 unit build. Ben Reynolds (KDSB) clarified that the two buildings would be separate programming; they would not want the bail bed program to be combined with the supportive housing program. KDSB is currently in the process of acquiring the north eastern portion of land for the 24 unit. If successful, they would obtain the rest. Bev commented that the buildings would be relatively close on the parcels of land. Ben clarified that there would be a buffer and wooded areas to help separate the two.

Bev Richards then asked whether the 24 unit would support individuals with special needs. Ben Reynolds explained that it would be for bail beds only. He also confirmed that counselling would occur on-site and that there will be literacy programming; transportation to downtown would not be required. A curfew would be established, as these individuals would be on conditions of bail; supervisory staff will have the ability to breach their bail if not conforming to these conditions. It would also be a drug and alcohol free program.

Bev Richards referenced photo 4 in the planning report and asked if that is where the abutting hotel is. She asked whether the 66ft road allowance would not be developed as a buffer. The Planner confirmed that it would be retained by the City and provide a buffer.

The Planner explained to the Committee how access would work off of Pine Portage Road to give access to the western portion in the future.

Ray Pearson stated that he shared concerns with Robert Kitowski and indicated that he believes it is pre-mature to be re-zone the whole subject area as Institutional. He did not like to see the loss of the Highway Commercial property. If KDSB needs

only the north-eastern portion rezoned for the acquisition, then only that area should be re-zoned.

Graham Chaze asked if the City has been approached by developers for these lands in the last several years and whether there has been demand for HC use. In his opinion, it doesn't seem like there is a demand whereas there is apparent demand for Institutional use.

Megan Dokuchie (Applicant) stated that the City is planning to retain a portion of the land for HC use and that the land was previously marketed as on whole area.

Graham Chaze commented that the Committee should be more open-minded for development such as this to help address the City's social issues in the long term. He expressed his support on the proposed development, highlighting that there is funding, a good model and proposal. He had no issue with the application the way it stands and stated that seeing and hearing the success in Sioux Lookout emphasizes how we have to give these individuals an opportunity. The Committee should make a decision based on what the professionals are saying that the City needs.

Robert Kitowski highlighted his two concerns. The first, being that if the specific development is not known, how we can be sure of compatibility, as stated in the Official Plan. The second being that he believed the development would have tax exemption and would not bring tax dollars compared to if it is HC. He also believed the application fee should be paid by the City and not waived.

The Planner explained that the section of the Official Plan that speaks of compatibility is intended to consider sensitive uses and industrial uses; the types of activities that have noise output and 24 hr operations that may affect a residential area. This development is similar to residential use and highlighted that there is a lot of case law about "people zoning" compared to land zoning. Compatibility is not relevant when you are looking at development where people are being accommodated. For similar reasons, it has been an argument against high density development and people not wanting to see that. The Planner expressed that the Committee has to be careful about staying away from "people zoning".

Vince Cianci wished to lend his support to Chris Price for why access should be off of Highway 17 East. This may be the only time funds are available to ensure that. He stated that Pine Portage Road is essentially a back trail. Vince also stated that he saw no problem with the re-zoning.

**Moved by:** Graham Chaze

**Seconded:** Chris Price

Resolved that the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve application D14-18-06, subject property located in the area of Pine Portage Road and Highway 17 East, being whole lots, part lots, lanes and roads on Plan M-63, being approximately 3 ha in size, from Highway Commercial (HC) to Institutional (I) to allow for development of those

uses permitted within the Institutional zone, being public and privately owned facilities of an institutional or community service nature in accordance with Section 4.14 of the Zoning By-law.

Given that it was a tie, there was no recommendation from the Committee. The Planner wished to have comments from the Committee about why exactly they were not in favour of the recommendation and whether they would be in support of re-zoning a smaller portion of it. The Vice Chair indicated that Council will receive the minutes.

Vince Cianci posed a question to the Committee and asked whether they can visualize an institutional type use on the property, as that is all the application is asking. He highlighted that the re-zoning can always be changed back.

There was discussion whether the Chair has a vote since in this case, the vote was tied. It was stated that normally, the Chair would not vote. Robert Kitowski read the By-law, stating that all members present are required to vote when the question is put forth. It was mentioned that the Chair has always voted.

The Committee agreed to leave it as a tie.

**(x)** Old Business

Bev Richards asked if there was an update with regard to the fisheries assessment for file D07-18-02, Wickham.

The Planner stated that the City does not have a complete report yet but fieldwork was undertaken last Friday. No bait fish minnows were found but there had been mud minnows identified. Ryan Haines will be doing some research. The Planner also mentioned that they had a small discussion about how onerous it would be to fill those ponds; it would require a lot of fill. Regardless of what he finds, there are other acts like the *Fisheries Act* that would protect the ponds from being infilled. If future owners do fill them in, and destroy fish habitat they could be charged.

The Planner also stated that next month is the Committee's last meeting and members will be informed how things will unfold. The new Council will be getting a briefing on PAC before they look at appointments. The Planner agreed to send the applications to reapply to the Committee.

**(xi)** Adjourn

**Moved by:** Chris Price

That the October 16, 2018 Planning Advisory Committee meeting be adjourned at 8:57 p.m.

Minutes of the Kenora Planning Advisory Committee Meeting, Tuesday October 16, 2018, are approved this 22<sup>nd</sup> day of January, 2019.

  
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Ray Pearson, Vice Chair

  
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Kylie Hissa, Secretary-Treasurer