



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

Meeting Minutes
City of Kenora Planning Advisory Committee
60 Fourteenth St. N., 2nd Floor – Training Room
April 17, 2018
7:00pm

Present:

Wayne Gauld	Chair
Bev Richards	Member
Chris Price	Member
Robert Kitowski	Member
Ray Pearson	Member
Graham Chaze	Member
Melissa Shaw	Secretary-Treasurer
Devon McCloskey	City Planner
Kylie Hissa	Planning Analyst

Regrets:

Vince Cianci	Member
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DELEGATION:

- (i) Wayne Gauld, Chair, called the meeting to order at 7:00 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
 - i. Wayne Gauld indicated a conflict on file D10-18-04, Campbell
- (i) Adoption of minutes of previous meeting
 - March 27th, 2018
 - Amended: March 27th, 2018 minutes of the regular Kenora Planning Advisory Committee meeting.

Moved by: Robert Kitowski

Seconded: Ray Pearson

Carried.

- April 10th, 2018, Special Meeting

Moved by: Robert Kitowski

Seconded: Graham Chaze

Carried.

- (iv) Other correspondence - there were none.
- (v) Consideration of applications for consent
 - a. D10-18-03

Randy Seller (on behalf of Stephen Lundin), Agent
Hook, Seller & Lundin LLP

Randy Seller, the Agent for the Application, updated the Committee on the status of the Zoning By-law amendment that was presented at the March 27th, 2018 Planning Advisory Committee meeting. The process of re-zoning has been completed. A search of ownership of the Ritchie and Martin roads was also conducted. It was determined that they are improved roads but there is no title to the City. Mr. Seller referred to the public complaint regarding the Martin Road encroaching on their property and indicated that it is part of the municipal road system and is not owned by the Applicant. Mr. Seller had no concerns regarding the planning report and the information provided.

The City Planner presented the planning report, file: D10-18-03, and explained that the proposal for re-zoning of the subject property was heard at the last PAC meeting. The property is subject to consideration for a by-law amendment to change zoning from Rural (RU) to Rural Residential (RR). This application would proceed if condition of approval that the zoning by-law amendment is adopted and passed if no appeals are submitted.

The Planner presented the comments received from City Departments. The Operations Department stated that since the Martin Road was on the land at the time of purchase and has been maintained by the City, it is now considered a municipal road (as per the Municipal Act) and access cannot be denied to the public or other agents. Hydro One had expressed concern with the existing hydro line and wanted to confirm that the applicant is aware of the easement and as a condition of approval, the easement is properly tenured with the creation of the lot.

There was one comment received in opposition of both the application of Zoning By-law Amendment and the Application for Consent. The complaint explained that the opposition is due to the Martin Road passing through their property. As stated by the Agent and by the City Operation's Department, there would be no concern. The Planner explained that most of Ritchie Road is over lands without city title. The City will take the opportunity to resolve the identified situations as the City can request transfers through conditions of consent for example.

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.

Bev Richards commented that she had confirmed that Martin Road used to belong to the Township of Jaffray Melick.

The Chair asked the Committee for discussion prior to making a recommendation, there was none.

Moved by: Ray Pearson

Seconded: Graham Chaze

That application for consent D10-18-03 for the creation of one (1) RR-Rural Residential zoned lot, legally described as PIN 42171-0238, Parcel 36770, Section DFK; Part Lot 5 CON 7, Jaffray Part 3, 23R-3924 Kenora, civic address 166 Ritchie Road, be approved and subject to conditions. 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 101-2015 as amended.

Carried.

At 7:14 p.m., the Chair Wayne Gauld removed himself from the meeting. The Vice Chair, Ray Pearson, took over on his behalf.

b. D10-18-04

Randy Seller, Agent
Hook, Seller & Lundin LLP

Mr. Seller referenced the previous application for a Zoning By-law Amendment, and explained that they are pending approval with the lapse of the appeal period. Mr. Seller also reported that the status regarding the building permit to convert the triplex is in the final steps of completion. The building permit should be issued by the City soon so as to legitimize the building as a triplex. Mr. Seller indicated that completing this process and providing an occupancy permit should be a condition of the approval. There were no concerns regarding the other condition of approval to clean up the property and reiterated that the intent is to sell the property and vacant lot.

The City Planner presented the planning report, file: D10-18-04. The Planner identified that the Building Department had been contacted by a local designer that had been retained and was working on a design. There would be no objections from their department for neither the Zoning By-law Amendment nor the Consent. The Roads Department expressed that a new entrance permit would be required for the lot. There were no other concerns from departments, including the MNRF. The Northwestern Health Unit commented that both properties would have the capacity to have complying septic systems.

There was one public comment regarding debris and outdoor storage and wanted it cleaned up prior to the application's approval. There were no issues with this request and the cleanup has been included as a condition of the application's approval.

The City Planner recommends that the application is approved with conditions, including that the lands to be severed are consolidated with the adjacent PIN and a merger agreement is established for both. The City Planner noted that the file number on the planning report will be amended to read D10-18-04.

The Vice Chair asked for clarification with respect to the conditions regarding the building permit. There were no issues and, as amended, the conditions will include the requirement for the provision of an occupancy permit.

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

The Vice Chair asked for clarification that there had only been the one public comment received. The City Planner confirmed that nothing has been added to that complaint.

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

Robert Kitowski asked the Agent if they had a chance to review the identified conditions. The Agent confirmed that they had.

The Vice Chair asked the Committee for discussion prior to making a recommendation, there was none.

Moved by: Robert Kitowski

Seconded: Graham Chaze

That application for consent D10-18-04 for lot addition; PIN 42174-0029, Part Mining Location 233P, 23R-5012 and Part 1 23R-5025, civic address 1930 Highway 17 West, be approved and subject to conditions as outlined with the amended 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 101-2015 as amended.

Carried.

At 7:25 p.m. Wayne Gauld reassumed role as Chair.

- (vi)** New Business
- a. D14-18-04

Randy Seller, Agent
Hook, Seller & Lundin LLP

Mr. Seller approached the committee and referenced the planning report as provided. He highlighted that this is the first time this Committee has reviewed this particular application and provided some background information. The owner of Black Sturgeon Camps is looking to sever the residential portion of their property from the commercial activities, which is a remainder of the camp, and a series of cabins that they rent. The Applicants had no issues with the planning report. The Agent highlighted that although the Applicant is asking for the creation of a residential lot in the Black Sturgeon Area, there is still an avenue for the creation of lots as the maximum has not been reached. The nearest development would be the Lafreniere Subdivision to the left. The existing property is hooked up to a septic system, which would be improved and listed as a condition to the consent process. A cul-de-sac would also be developed at the end of Kelly Drive, brought up to municipal standards and transferred to the City of Kenora. There would be separate roadways with no conjunction between them. The Agent stated that the lot meets the requirements of the zoning change and that the Northwestern Health Unit has confirmed the available space for a septic system on the property, which can be considered as a condition of approval. The Agent deferred to the planning report.

The City Planner presented the planning report, file: D14-18-04. The City provided a standard drawing of the basin for the cul-de-sac and the Applicant is aware of the municipal standards for development. Referring to the planning report, the City Planner explained that there are several cabins with various ages. One of them is quite large and could be lived in by those operating a resort business. If new developments were proposed at the camp, the cabins would be subject to site plan control to allow the City the opportunity to review how the property would be further developed. The City Planner explained that the NWHU had had concerns in the past about a sewage system at the subject property; however, the proposed residential property would be large enough to accommodate a septic system. No change to the area will occur.

No comments were received by the public. The Planner identified that the retained lot with dwelling would meet the requirements for a BSL-Black Sturgeon Lake zoned lot and that all other provisions would be met. The Operations Department provided the standard requirements for the cul-de-sac and the Roads Department requested an entrance permit for the new lot. The NWHU noted that the sewage system had malfunctioned and there was discharge to the ground in the past. All issues would be dealt with the consent application going forward. There were no other concerns.

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

The Chair asked the Committee for questions pertaining to the Application.

Bev Richards asked for clarification regarding the NWHU and asked if the cabins would have to be removed. The Agent clarified that the Ministry of Environment and Climate Change (MOECC) has authority over the commercial operation whereas the

NWHU has authority over the residential portion. It would be up to the commercial operator and the MOECC to determine what is needed for compliance. The side yards meet all the zoning requirements and the cabins would not need to be removed.

Wayne Gauld inquired if hydro services would be separate between the two lots. The Agent confirmed that there is sufficient room in the cul-de-sac and that the hydro line would go directly on the newly created residential lot, through the cul-de-sac, to the commercial side. There would be no need for an easement because the cul-de-sac would be municipally owned.

The Chair asked the Committee for discussion prior to making a recommendation, there was none.

Moved by: Robert Kitowski

Seconded: Ray Pearson

Resolved that the Planning Advisory Committee recommends that the Council of the Corporation of the City of Kenora approve application D14-18-04, subject property located at 100 Kelly Lake Road, described as Part Broken Lot 10, CON 5 and 6, Melick, to change the zoning of a portion of the lot to BSL – Black Sturgeon Lake (Restricted Development Area), to allow for residential use.

Carried.

b. D14-18-03

Jim Peterson, Applicant
Kings Landing (Kenora) Development Corporation

Mr. Peterson introduced himself as the developer for the property. He has done development in Kenora for some of the first condominiums with Wayne Construction and the high school as an architectural engineer company. Mr. Peterson spoke to how his family has grown up in Kenora and has ties to this area. He explained that the subject vacant land was previously used as a golf course and that he thought this piece of property would be ideal for an older adult community. The previous owner had it zoned for 72 units and an environmental study states that no development can take place by the pond at the bottom of the hill on the property.

The Applicant provided additional information regarding the development plans via visual presentation. They are looking at a condominium plan and want to do it in potentially two stages. The first stage would be the development of 22 units and would seek relief of the by-law from certain provisions. The Applicant spoke to an easement on the east side of the property that had previously been established to allow access to the rear lot. The condominium plan would include a common road and large common area, which would be owned by everyone in the units. Property owners would be expected to pay fees for updating and maintaining the common areas and their own unit. Each unit would be 1100 ft², have a 350 ft² garage, and

have two bedrooms and two bathrooms. Sewer and water services will come through the bottom, straight up the common road.

The second phase would develop a vacant portion of the land and would include underground parking.

The Applicant described how pathways will be created into the marshland area and that it is hoped that a dock area will be installed for the residents' use. The Applicant stated that the use of this portion of land as an amenity space would be subject to Ministry of Natural Resources and Forestry (MNR) approval.

The Applicant claimed that they want to have individual lots as part of the common element condominium. For this to happen, they need reductions in the interior side yard provisions since the units will be attached, the exterior side yard, as well as the maximum lot coverage. Currently, an individual lot is at 53% coverage whereas the requirement for maximum coverage is at 40%. They are asking for up to 55% lot coverage. The Applicant mentioned that when total lot coverage is considered, their development would be at 10-15% coverage of the whole lot rather than individuals.

The Applicant finished the presentation by highlighting the great feedback their November marketing campaign had received. They have thirty five people interested. There is demand for the development and so far all of their received responses have been positive. The Applicant noted that in the original site plan, a bus stop was proposed; however, it had been removed due to the lack of bus route on Railway Street. The Applicant claimed that they do not have a problem adjusting their proposal to make it work.

The City Planner reviewed the planning report for file D14-18-03. The application is for zoning by-law amendment and proposes to exempt the subject property which is zoned R3 Residential Third Density from certain provisions as follows: that relief is granted from the interior side yard provision of 2.5m to 0m; exterior side yard from 4m to 0.35m; to increase lot coverage from 40% to 55%; to amend the definition of a "street" as it pertains to the subject lot, to allow for frontage on a private road, as a site specific provision.

The City Planner indicated that the southern portion of the property is designated a Provincially Significant Wetland. The property had previously been developed with a single detached dwelling, but was destroyed due to fire. Zoning had been changed in 2016 from RU-Rural to R3 – Residential Third Density zone in preparation for a 72 unit multiple attached apartment. The results of an Environmental Impact Assessment concluded that if a 20m buffer was maintained from the edge of the wetland there would be no significant impacts. The neighbouring properties are currently developed, but would have the opportunity for further intensification. The Developer and Condominium Corporation would retain the common element street as opposed to transferring it to the City.

The Planner reviewed the comments received from interdepartmental and agency circulation. The Operations Department was aware that there will be a need for water meters for each unit and the Building Department suggested that a separation distance be undertaken since the abutting property is zoned Light Industrial. The Roads department did not have concern regarding the concept of the private road but may provide more detailed comments as part of the site plan review. The MNRF reviewed the Environmental Impact Statement and were satisfied that there would be no concerns. The Environmental Services Department noted that waste management planning should be considered for the 22 units. The City Transfer Station would be able to provide multi-residential pick up services for recycling. Additional comments have been received since the initial circulation and there is more to be updated for the drainage plan.

There had been public concern with removal of trees; however, no written comments were received. The Applicant confirmed that there would be no tree removal and that the planting of additional trees is actually planned for.

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

Brenda Jackson
1723 Railway Street
Kenora, ON P9N 0B4

Ms. Brenda Jackson, wished to inquire about snow removal and if snow melt has the potential to drain onto their property.

Mr. Peterson stated that the new drain plans will force water to drain elsewhere, such as using a swale to the back of the property line. The final drawings will make sure that no water will drain onto their property.

The Chair asked the Committee if there were any questions pertaining to the file.

Ray Pearson firstly commended the application and then inquired about the bus lane first being proposed in the plan, which was later removed. The Applicant explained that when the City was approached, it was confirmed that there is no bus route in that location, which is why it had been removed from the design plan. The Applicant believes that a bus lane would be a great idea for the senior residents to have access to community services and would be prepared to provide the capital required to pave it. Ray Pearson proposed the idea that there may be buses there in the future and recommended that a bus route be added. Mrs. Gloria Jackson, member of the public, confirmed that a bus route in that area had been in existence but was removed a few years ago.

Ray Pearson also asked why the City wouldn't consider running the services up the center line of Railway Street to then allow servicing to properties in the North. The Applicant informed the Committee that he had spoken to the Engineering Department about future plans of extending services and was told that there wasn't any. The Applicant also informed the Committee that some of the neighbouring

properties on Railway Street had contacted him to petition the City to do that; however, the feedback provided to him indicates that the City does not have the funds for it.

Bev Richards inquired about the potential traffic that the 22 residential units and potentially 44 vehicles could have on the one street. Bev asked if there was a "plan B" for access. The Applicant explained that the traffic count on the street had already been taken into account and approved with the previous zoning by-law amendment in 2016. He also suggested putting up a sign to drop the speed limit to 40km/hr. before the corner in order to monitor the speed and mitigate any traffic congestion.

Bev Richards asked how far the future residents' backyards will be to Railway Street. The Applicant indicated that the rear lots are 6m away from the existing fence and another 12 feet to the street. From the street to the units, the Applicant suspects the distance to be around 25-30 ft. The Applicant also mentioned that there will be mature trees planted on the west side to help reduce noise pollution.

Bev Richards also asked about the bicycles as per the Partial Site Plan. She inquired if that had been changed since it lists Thunder Bay on the Site Plan. The Applicant clarified that the City of Thunder Bay has requirements for bike racks, which is why they include it on their site plans.

The City Planner provided some clarification regarding the bus stop. The Clerk's Department had been approached. The transit system was recently reviewed and re-done and at this time they would not be in the position to revise it. However, the City Planner was told that if development proceeds and if there is a demand, they can change the routes within 2 years.

The Chair asked for discussion regarding the application, prior to making a recommendation.

Chris Price agreed with Ray Pearson in that it would be ideal to extend services along Railway Street and indicated that a fire hydrant is also needed for the neighbourhood. Wayne Gauld indicated that this would be the City's decision and asked for a recommendation to Council that this be read.

Moved by: Robert Kitowski Seconded: Graham Chaze

Resolved that the Planning Advisory Committee recommends that the City of the Corporation of the City of Kenora approve application D14-18-03, subject property located in the area of 1731 Railway Street, Kenora ON, and described as PIN 42176-0338, Part of Block B, PLAN M-28, receive relief from provisions of the R3 zone including the interior side yard provision of 2.5m to 0m; exterior side yard from 4m to 0.35m; to increase lot coverage from 40% to 55%; and to amend the definition of a "Street" as it pertains to the subject lot, to allow for frontage on a private road as a site specific provision.

Carried.

(vii) Old Business

a. OACA Training and Conference

Devon McCloskey informed the Committee that she was able to secure an additional room to allow three PAC members to attend. It was asked that those attending the Conference provide any relevant travel details to Devon by the end of the week.

There was comment from City Management that committee members who have attended in previous years should offer their spot to another member that has not yet had the opportunity.

Devon informed the Committee that other costs remain to be factored into the budget. She will look at flight times and email those attending.

b. LPAT

Devon McCloskey provided a summary of the Local Planning Appeal Tribunal and referenced the relating correspondence that was circulated to PAC members. It is intended to be a complete overhaul of the Ontario Municipal Board (OMB) provide greater authority to municipalities to make final decisions on housing and other developments within their jurisdiction.

A few changes have been made for what to submit as part of an appeal, such as having to demonstrate how the adopted or approved application would not comply with the Provincial Policy Statement (2014). The Tribunal has very strict orders about making sure they have acquired the necessary information before accepting an appeal.

Melissa Shaw indicated that Appeal Guide B, which applies to consent and minor variance applications, has yet to be released. Appeal Guide A is the only one released so far and applies to official plan and zoning by-law amendments.

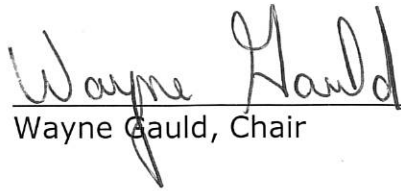
Ray Pearson inquired about the names of the LPAT appointees. Devon McCloskey indicated that they would not be anyone local to the Kenora area and is unsure of the names.

(viii) Adjourn


Moved by: Chris Price

That the April 17, 2018 Planning Advisory Committee Meeting be adjourned at 8:33 pm.

Minutes of Kenora Planning Advisory Committee meeting, Tuesday April 17, 2018,
are approved this 15th day of May, 2018.



Wayne Gauld, Chair



Kylie Hissa, Secretary-Treasurer

